

CERTIFICATION OF ENROLLMENT

**SUBSTITUTE SENATE BILL 5689**

66th Legislature  
2019 Regular Session

Passed by the Senate April 18, 2019  
Yeas 30 Nays 19

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**President of the Senate**

Passed by the House April 9, 2019  
Yeas 60 Nays 36

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**Speaker of the House of Representatives**

Approved

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**Governor of the State of Washington**

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5689** as passed by the Senate and the House of Representatives on the dates hereon set forth.

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**Secretary**

FILED

**Secretary of State  
State of Washington**

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**SUBSTITUTE SENATE BILL 5689**

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AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

**State of Washington                      66th Legislature                      2019 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Liiias, Saldaña, Pedersen, Wellman, Wilson, C., Randall, Hunt, McCoy, Salomon, Darneille, Hasegawa, Keiser, Kuderer, and Nguyen)

READ FIRST TIME 02/22/19.

1            AN ACT Relating to preventing harassment, intimidation, bullying,  
2 and discrimination in public schools; adding a new section to chapter  
3 28A.600 RCW; adding a new section to chapter 28A.642 RCW; adding a  
4 new section to chapter 28A.300 RCW; adding a new section to chapter  
5 28A.405 RCW; and repealing RCW 28A.300.285.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

7            NEW SECTION.    **Sec. 1.**    A new section is added to chapter 28A.600  
8 RCW to read as follows:

9            PROHIBITION OF HARASSMENT, INTIMIDATION, OR BULLYING. (1)(a) By  
10 January 31, 2020, each school district must adopt or amend if  
11 necessary a policy and procedure prohibiting harassment,  
12 intimidation, and bullying of any student and that, at a minimum,  
13 incorporates the model policy and procedure described in subsection  
14 (3) of this section.

15            (b) School districts must share the policy and procedure  
16 prohibiting harassment, intimidation, and bullying with parents or  
17 guardians, students, volunteers, and school employees in accordance  
18 with the rules adopted by the office of the superintendent of public  
19 instruction.

20            (c)(i) Each school district must designate one person in the  
21 school district as the primary contact regarding the policy and

1 procedure prohibiting harassment, intimidation, and bullying. In  
2 addition to other duties required by law and the school district, the  
3 primary contact must:

4 (A) Ensure the implementation of the policy and procedure  
5 prohibiting harassment, intimidation, and bullying;

6 (B) Receive copies of all formal and informal complaints relating  
7 to harassment, intimidation, or bullying;

8 (C) Communicate with the school district employees responsible  
9 for monitoring school district compliance with chapter 28A.642 RCW  
10 prohibiting discrimination in public schools, and the primary contact  
11 regarding the school district's policies and procedures related to  
12 transgender students under section 2 of this act; and

13 (D) Serve as the primary contact between the school district, the  
14 office of the education ombuds, and the office of the superintendent  
15 of public instruction on the policy and procedure prohibiting  
16 harassment, intimidation, and bullying.

17 (ii) The primary contact from each school district must attend at  
18 least one training class as provided in subsection (4) of this  
19 section, once this training is available.

20 (iii) The primary contact may also serve as the primary contact  
21 regarding the school district's policies and procedures relating to  
22 transgender students under section 2 of this act.

23 (2) School districts are encouraged to adopt and update the  
24 policy and procedure prohibiting harassment, intimidation, and  
25 bullying through a process that includes representation of parents or  
26 guardians, school employees, volunteers, students, administrators,  
27 and community representatives.

28 (3)(a) By September 1, 2019, and periodically thereafter, the  
29 Washington state school directors' association must collaborate with  
30 the office of the superintendent of public instruction to develop and  
31 update a model policy and procedure prohibiting harassment,  
32 intimidation, and bullying.

33 (b) Each school district must provide to the office of the  
34 superintendent of public instruction a brief summary of its policies,  
35 procedures, programs, partnerships, vendors, and instructional and  
36 training materials prohibiting harassment, intimidation, and bullying  
37 to be posted on the office of the superintendent of public  
38 instruction's school safety center web site, and must also provide  
39 the office of the superintendent of public instruction with a link to  
40 the school district's web site for further information. The school

1 district's primary contact for harassment, intimidation, and bullying  
2 issues must annually by August 15th verify posted information and  
3 links and notify the school safety center of any updates or changes.

4 (c) The office of the superintendent of public instruction must  
5 publish on its web site, with a link to the school safety center web  
6 site, the revised and updated model policy and procedure prohibiting  
7 harassment, intimidation, and bullying, along with training and  
8 instructional materials on the components that must be included in  
9 any school district policy and procedure prohibiting harassment,  
10 intimidation, and bullying. By September 1, 2019, the office of the  
11 superintendent of public instruction must adopt rules regarding  
12 school districts' communication of the policy and procedure  
13 prohibiting harassment, intimidation, and bullying to parents,  
14 students, employees, and volunteers.

15 (4) By December 31, 2020, the office of the superintendent of  
16 public instruction must develop a statewide training class for those  
17 people in each school district who act as the primary contact  
18 regarding the policy and procedure prohibiting harassment,  
19 intimidation, and bullying as provided in subsection (1) of this  
20 section. The training class must be offered on an annual basis by  
21 educational service districts in collaboration with the office of the  
22 superintendent of public instruction. The training class must be  
23 based on the model policy and procedure prohibiting harassment,  
24 intimidation, and bullying as provided in subsection (3) of this  
25 section and include materials related to hazing and the Washington  
26 state school directors' association model transgender student policy  
27 and procedure as provided in section 2 of this act.

28 (5) The definitions in this subsection apply throughout this  
29 section unless the context clearly requires otherwise.

30 (a) "Electronic" means any communication where there is the  
31 transmission of information by wire, radio, optical cable,  
32 electromagnetic, or other similar means.

33 (b) (i) "Harassment, intimidation, or bullying" means any  
34 intentional electronic, written, verbal, or physical act including,  
35 but not limited to, one shown to be motivated by any characteristic  
36 in RCW 28A.640.010 and 28A.642.010, or other distinguishing  
37 characteristics, when the intentional electronic, written, verbal, or  
38 physical act:

39 (A) Physically harms a student or damages the student's property;

1 (B) Has the effect of substantially interfering with a student's  
2 education;

3 (C) Is so severe, persistent, or pervasive that it creates an  
4 intimidating or threatening educational environment; or

5 (D) Has the effect of substantially disrupting the orderly  
6 operation of the school.

7 (ii) Nothing in (b)(i) of this subsection requires the affected  
8 student to actually possess a characteristic that is a basis for the  
9 harassment, intimidation, or bullying.

10 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.642  
11 RCW to read as follows:

12 POLICIES AND PROCEDURES RELATING TO TRANSGENDER STUDENTS. (1)(a)  
13 By January 31, 2020, each school district must adopt or amend if  
14 necessary policies and procedures that, at a minimum, incorporate all  
15 the elements of the model transgender student policy and procedure  
16 described in subsection (3) of this section.

17 (b) School districts must share the policies and procedures that  
18 meet the requirements of (a) of this subsection with parents or  
19 guardians, students, volunteers, and school employees in accordance  
20 with rules adopted by the office of the superintendent of public  
21 instruction.

22 (c)(i) Each school district must designate one person in the  
23 school district as the primary contact regarding the policies and  
24 procedures relating to transgender students that meet the  
25 requirements of (a) of this subsection. In addition to any other  
26 duties required by law and the school district, the primary contact  
27 must:

28 (A) Ensure the implementation of the policies and procedures  
29 relating to transgender students that meet the requirements of (a) of  
30 this subsection;

31 (B) Receive copies of all formal and informal complaints relating  
32 to transgender students;

33 (C) Communicate with the school district employees responsible  
34 for monitoring school district compliance with this chapter, and the  
35 primary contact regarding the school district's policy and procedure  
36 prohibiting harassment, intimidation, and bullying under section 1 of  
37 this act; and

38 (D) Serve as the primary contact between the school district, the  
39 office of the education ombuds, and the office of the superintendent

1 of public instruction on policies and procedures relating to  
2 transgender students that meet the requirements of (a) of this  
3 subsection.

4 (ii) The primary contact from each school district must attend at  
5 least one training class as provided in section 1 of this act, once  
6 this training is available.

7 (iii) The primary contact may also serve as the primary contact  
8 regarding the school district's policy and procedure prohibiting  
9 harassment, intimidation, and bullying under section 1 of this act.

10 (2) As required by the office of the superintendent of public  
11 instruction, each school district must provide to the office of the  
12 superintendent of public instruction its policies and procedures  
13 relating to transgender students that meet the requirements of  
14 subsection (1)(a) of this section.

15 (3)(a) By September 1, 2019, and periodically thereafter, the  
16 Washington state school directors' association must collaborate with  
17 the office of the superintendent of public instruction to develop and  
18 update a model transgender student policy and procedure.

19 (b) The elements of the model transgender student policy and  
20 procedure must, at a minimum: Incorporate the office of the  
21 superintendent of public instruction's rules and guidelines developed  
22 under RCW 28A.642.020 to eliminate discrimination in Washington  
23 public schools on the basis of gender identity and expression;  
24 address the unique challenges and needs faced by transgender students  
25 in public schools; and describe the application of the model policy  
26 and procedure prohibiting harassment, intimidation, and bullying,  
27 required under section 1 of this act, to transgender students.

28 (c) The office of the superintendent of public instruction and  
29 the Washington state school directors' association must maintain the  
30 model policy and procedure on each agency's web site at no cost to  
31 school districts.

32 (4)(a) By December 31, 2020, the office of the superintendent of  
33 public instruction must develop online training material available to  
34 all school staff based on the model transgender student policy and  
35 procedure described in subsection (3) of this section and the office  
36 of the superintendent of public instruction's rules and guidance as  
37 provided under this chapter.

38 (b) The online training material must describe the role of school  
39 district primary contacts for monitoring school district compliance  
40 with this chapter prohibiting discrimination in public schools,

1 section 1 of this act related to the policies and procedures  
2 prohibiting harassment, intimidation, and bullying, and this section  
3 related to policies and procedures relating to transgender students.

4 (c) The online training material must include best practices for  
5 policy and procedure implementation and cultural change that are  
6 guided by school district experiences.

7 (d) The office of the superintendent of public instruction must  
8 annually notify school districts of the availability of the online  
9 training material.

10 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.300  
11 RCW to read as follows:

12 The office of the superintendent of public instruction, in  
13 collaboration with the health care authority, the department of  
14 health, and the liquor and cannabis board, must review and align the  
15 healthy youth survey with the model transgender student policy and  
16 procedure developed under section 2 of this act.

17 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.405  
18 RCW to read as follows:

19 A teacher's evaluation under RCW 28A.405.100 may not be  
20 negatively impacted if a teacher chooses to use curriculum or  
21 instructional materials that address subject matter related to sexual  
22 orientation including gender expression or identity so long as the  
23 subject matter is age-appropriate and connected to the teacher's  
24 content area.

25 NEW SECTION. **Sec. 5.** RCW 28A.300.285 (Harassment, intimidation,  
26 and bullying prevention policies and procedures—Model policy and  
27 procedure—Training materials—Posting on web site—Rules—Advisory  
28 committee) and 2013 c 23 s 50, 2010 c 239 s 2, 2007 c 407 s 1, & 2002  
29 c 207 s 2 are each repealed.

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