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## Education Committee

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### HB 1207

**Brief Description:** Preventing and responding to harassment, intimidation, bullying, and discrimination in schools.

**Sponsors:** Representatives Senn, Rude, Fey, Reed, Bergquist, Ramel, Doglio, Callan, Thai and Pollet.

#### Brief Summary of Bill

- Requires distribution of policies and a complaint procedure related to harassment, intimidation, bullying, and discrimination in public schools.
- Codifies requirements related to designation of a primary contact for compliance with nondiscrimination laws.
- Changes the term "emergency expulsion" to "temporary removal" throughout the school code.

**Hearing Date:** 1/19/23

**Staff:** Megan Wargacki (786-7194).

#### **Background:**

##### Discrimination Prohibited.

Discrimination in Washington public schools on the basis of race, creed, religion, color, national origin, honorably discharged veteran or military status, sexual orientation including gender expression or identity, the presence of any sensory, mental, or physical disability, or the use of a trained dog guide or service animal by a person with a disability is prohibited. The Superintendent of Public Instruction (SPI) must develop rules and guidelines to eliminate discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings, and in

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textbooks and instructional materials used by students.

The rules of the SPI require each school district and charter school to:

- annually notify students, students' parents and guardians, and employees of the discrimination complaint procedure outlined in rule;
- include a nondiscrimination statement in publications made available to all students, parents, or employees; and
- include information about the sexual harassment policy and complaint procedure in any publication about the standards of conduct.

The Equity and Civil Rights Office at the Office of the Superintendent of Public Instruction has developed sample language that can be included in student and staff handbooks to meet these requirements.

The SPI has the power to enforce and obtain compliance with state laws and guidelines prohibiting discrimination by, among other things, instituting corrective action, withholding state funds, or terminating the offending program.

#### Primary Contacts for Antidiscrimination and for Anti-harassment, Intimidation, and Bullying.

The rules of the SPI require each school district and governing board of a charter school to designate at least one employee who is responsible for monitoring and coordinating the district's or charter school's compliance with rules and guidelines related to eliminating unlawful discrimination in public schools. The designated employee is also responsible for ensuring that all complaints of discrimination are promptly investigated and resolved.

State statute requires each school district to designate a primary contact for the policy and procedure prohibiting harassment, intimidation, and bullying and a primary contact for policies and procedures relating to transgender students. These two primary contacts can be a single person. In addition to other duties required by law and the district policy, these primary contacts must ensure the implementation of the relevant policies and procedures, including receiving copies of formal and informal complaints. These primary contacts must communicate with each other and with the employee responsible for monitoring and coordinating compliance with nondiscrimination requirements.

#### Emergency Expulsion of Students.

State statute requires the SPI to adopt rules related to student discipline that prescribe the substantive and procedural due process guarantees of students. The statute also specifies that emergency expulsions must end or be converted to another form of corrective action within 10 school days from the date of the emergency removal from school. In addition, the statute requires school districts to provide an opportunity for students to receive educational services while they are emergency expelled.

The rules of the SPI add that a student may be removed from their school placement when the school district has sufficient cause to believe that the student's presence poses either an

immediate and continuing danger to other students or school personnel or an immediate and continuing threat of material and substantial disruption of the educational process.

**Summary of Bill:**

Model Student Handbook Language.

The Office of the Superintendent of Public Instruction (OSPI) must develop, and periodically update, model student handbook language that includes information about policies and complaint procedures related to discrimination, including sexual harassment, and information about policies and complaint procedures related to harassment, intimidation, and bullying, as well as the overlap between the policies and complaint procedures. The model student handbook language must be posted publicly on the OSPI's website beginning August 1, 2024.

Beginning with the 2024-25 school year, each school district must include the model student handbook language developed by the OSPI in any student, parent, employee, and volunteer handbook that it or one of its schools publishes and on the school district's website, and any schools' websites. If a school district neither publishes a handbook nor maintains a website, it must provide the model student handbook language to each student, parent, employee, and volunteer at least annually.

Primary Contact Regarding Compliance with State Laws Prohibiting Discrimination.

Each school district and charter school must designate one person in the school district as the primary contact regarding compliance with state laws prohibiting discrimination in public schools. In addition to any other duties required by law and the school policy, the primary contact must: (1) ensure that complaints of discrimination communicated to the school are promptly investigated and resolved; and (2) communicate with the primary contact regarding the school district's or charter school's policy and procedure prohibiting harassment, intimidation, and bullying and the primary contact regarding the school district's or charter school's policies and procedures related to transgender students.

Requiring Use of the Term "Emergency Removal," Instead of "Emergency Expulsion".

The OSPI must publish a bulletin to notify school districts and public schools that the term "emergency removal" must be used instead of the term "emergency expulsion" in the context of student discipline. The legislature's intent as described in the bill must be included in the bulletin. The bulletin must also include guidance about student discipline data collection and historical data comparison.

Throughout the school code, the term "emergency expulsion" is changed to "emergency removal."

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.