

SENATE BILL REPORT

SHB 1207

As Reported by Senate Committee On:
Early Learning & K-12 Education, March 22, 2023

Title: An act relating to preventing and responding to harassment, intimidation, bullying, and discrimination in schools by requiring distribution of related policies and complaint procedures, designation of a primary contact for compliance with nondiscrimination laws, and changing a prejudicial student discipline term.

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

Sponsors: House Committee on Education (originally sponsored by Representatives Senn, Rude, Fey, Reed, Bergquist, Ramel, Doglio, Callan, Thai and Pollet).

Brief History: Passed House: 2/27/23, 60-36.

Committee Activity: Early Learning & K-12 Education: 3/20/23, 3/22/23 [DPA, DNP].

Brief Summary of Amended Bill

- Directs the Office of the Superintendent of Public Instruction to develop model student handbook language that includes information about policies and complaint procedures related to discrimination, harassment, intimidation, and bullying.
- Requires school districts to include this language in their handbooks and publish it on their websites beginning in the 2024-25 school year.
- Codifies the requirement that school districts designate one person as the primary contact regarding school district compliance with nondiscrimination laws.
- Replaces the term "emergency expulsion" with "emergency removal" in state laws regarding student discipline and allows certain students to have their education records be revised to align with this change.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: Do pass as amended.

Signed by Senators Wellman, Chair; Nobles, Vice Chair; Wilson, C., Vice Chair; Hunt, Mullet and Pedersen.

Minority Report: Do not pass.

Signed by Senators Hawkins, Ranking Member; Dozier and McCune.

Staff: Ailey Kato (786-7434)

Background: Nondiscrimination Policies and Complaint Procedures. State law prohibits 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.

The Office of the Superintendent of Public Instruction (OSPI) must develop rules and guidelines to eliminate prohibited discrimination as it applies to certain topics.

OSPI rule requires school districts and charter schools to include a nondiscrimination statement in written publications. OSPI rule also requires them to publish, at least annually, notice that is reasonably calculated to inform all students, parents and guardians, and employees of complaint procedures.

Sexual Harassment Policies. State law requires school districts to adopt a written policy concerning sexual harassment. The policy must be conspicuously posted throughout each school building, and provided to each employee. A copy of the policy must appear in any publication of the school or school district setting forth the rules, regulations, procedures, and standards of conduct. Each school must develop a process for discussing the policy.

Harassment, Intimidation, and Bullying and Transgender Student Policies. State law requires school districts to adopt a policy and procedure prohibiting harassment, intimidation, and bullying and a policy addressing transgender students. School districts must share the policy and procedure with parents or guardians, students, volunteers, and school employees in accordance with OSPI rules.

Primary Contacts. State law requires school districts to designate one person in the school district as the primary contact regarding the policy and procedure prohibiting harassment, intimidation, and bullying, and a primary contact regarding transgender students. The same person may serve as the primary contact for both, and they must receive copies of all formal and informal complaints.

OSPI rule requires school districts and charter schools to designate at least one employee

who is responsible for monitoring and coordinating compliance with nondiscrimination rules and guidelines.

Charter Schools. Charter schools must comply with local, state, and federal civil rights and nondiscrimination laws applicable to school districts and to the same extent as school districts.

Office of the Education Ombuds. The Office of the Education Ombuds (OEO) was created within the Governor's office to provide information to parents, students, and others regarding their rights and responsibilities with respect to the state's public elementary and secondary system.

Beginning August 1, 2023, public schools must provide students and their parents with a description of OEO's services and its contact information at the time of initial enrollment or admission and either include a link on their website or provide it in existing materials that are shared annually.

Emergency Expulsions. OSPI rule defines emergency expulsion to mean the removal of a student from school because the student's presence poses 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.

State law requires emergency expulsions to end or be converted to another form of corrective action within ten school days from the date of the emergency removal. Notice and due process rights must be provided when an emergency expulsion is converted to another form of corrective action.

Summary of Amended Bill: Model Student Handbook Language. OSPI, in consultation with the Washington State School Directors' Association and OEO, must develop and periodically update model student handbook language that includes information about policies and complaint procedures related to discrimination, including sexual harassment and addressing transgender students, and harassment, intimidation, and bullying. This model language must include a description of OEO services and be aligned with existing requirements in state law. OSPI must post this model language on its website beginning July 1, 2024.

Beginning with the 2024-25 school year, each school district must include the model language in any student, parent, employee, and volunteer handbook that it or one of its schools publishes and on the school district's and any school's websites. If there is no handbook or website, school districts must provide the model language at least annually.

Existing notification requirements regarding these policies and procedures as it relates to students, parents, and guardians may be satisfied by using the model student handbook language.

Primary Contact regarding State Nondiscrimination Laws. The requirement that a school district designate one person as the primary contact regarding school district compliance with state nondiscrimination laws is codified.

The primary contact must ensure that discrimination complaints are promptly investigated and resolved. The primary contact must also communicate with the primary contacts regarding policies and procedures related to transgender students and harassment, intimidation, and bullying, and the same person may serve as any of these primary contacts.

Emergency Removals. The term "emergency removal" replaces the term "emergency expulsion" in state laws regarding student discipline. As soon as possible after the effective date, OSPI must publish a bulletin to notify school districts and public schools that the term has changed. The bulletin must include the Legislature's intent and guidance about student discipline data collection and historical data comparison.

A student who was emergency expelled between September 1, 2019 and the effective date of this act may request that any reference to emergency expulsion in the education record be revised to emergency removal.

EFFECT OF EARLY LEARNING & K-12 EDUCATION COMMITTEE AMENDMENT(S):

- Requires the model student handbook language to be aligned with existing requirements regarding transgender students, sexual harassment, harassment, intimidation, and bullying, and Office of the Education Ombuds.
- Allows existing requirements regarding policies and procedures and notification as it relates to students, parents, and guardians to be satisfied by using the model student handbook language.
- Allows the primary contact regarding nondiscrimination laws to also serve as the primary contact regarding transgender students and harassment, intimidation, and bullying.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Substitute House Bill: *The committee recommended a different version of the bill than what was heard.* PRO: There is a lack of clarity around the processes involved with harassment, intimidation, bullying, and

discrimination. This bill seeks to provide clarity around these processes to students, families, and staff. The term emergency expulsion is confusing because the student often comes back to school. The term emergency removal better reflects this action. Overall, this bill provides clarity and improves the atmosphere at schools.

Persons Testifying: PRO: Representative Tana Senn, Prime Sponsor.

Persons Signed In To Testify But Not Testifying: No one.