

SENATE BILL REPORT

SB 5288

As Reported By Senate Committee On:
Early Learning & K-12 Education, February 8, 2007

Title: An act relating to including cyberbullying in school district harassment prevention policies.

Brief Description: Requiring cyberbullying to be included in school district harassment prevention policies.

Sponsors: Senators Kohl-Welles, Murray, McAuliffe, Weinstein, Shin and Rasmussen.

Brief History:

Committee Activity: Early Learning & K-12 Education: 1/24/07, 2/08/07 [DPS].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 5288 be substituted therefor, and the substitute bill do pass.

Signed by Senators McAuliffe, Chair; Tom, Vice Chair; Holmquist, Ranking Minority Member; Brandland, Clements, Eide, Hewitt, Hobbs, Kauffman, Oemig, Rasmussen, Weinstein and Zarelli.

Staff: Kimberly Cushing (786-7421)

Background: In 2002, anti-bullying legislation was passed by the Washington Legislature. As a result, school districts are required to adopt their own policy prohibiting the harassment, intimidation, or bullying of any student. Under current law, the definition of "harassment, intimidation, or bullying" includes written, verbal, or physical acts, and the act must have a negative impact on the student or the educational environment.

Summary of Bill: Electronic acts are added to the current definition of "harassment, intimidation, or bullying." Each school district must amend its current policy by August 1, 2008, to include a section addressing acts of bullying, harassment, or intimidation conducted via electronic means. The policy must include a requirement that information be given to parents or made available via the district's web site regarding the seriousness of cyberbullying. The materials must include information on safe internet use and the options available if a student is being bullied via electronic means. The terms "electronic" and "electronic means" are defined.

If a school district already has an internet-use policy, the act of internet-based bullying, harassing, or intimidating another student must be included as a prohibited act and be subject to disciplinary action.

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

EFFECT OF CHANGES MADE BY RECOMMENDED SUBSTITUTE AS PASSED COMMITTEE (Early Learning & K-12 Education): It is clarified that school district bullying policies only apply to acts conducted via electronic means if the acts occur on school grounds during the school day. The requirement that when a school district has an internet-use policy, the act of internet-based bullying harassing, or intimidating another student must be included as a prohibited act and be subject to disciplinary action is eliminated. The definition of "electronic" and "electronic means" are narrowed.

Appropriation: None.

Fiscal Note: Not requested.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony: PRO: Children's use of computers, cell phones, and instant messaging has expanded exponentially. Electronic communications can offer anonymity, making it easier to bully and intimidate. Cyberbullies can also be imposters. There are many devastating stories of children being so embarrassed and brutalized via electronic means that they have dropped out of school, changed schools, become physically or psychologically ill, and even committed suicide. Cyberbullying impacts students' ability to learn. Children with disabilities are often at the receiving end of bullying, especially those with mental health issues. Educators need to be trained to deal with any type of bullying or harassment. This legislation does not make cyberbullying a crime.

OTHER: The legislation is too broad and opens schools to liability. A principal can deal with a physical fight on campus, but how can a principal control what students do on their personal computers away from school?

Persons Testifying: PRO: Senator Kohl-Welles, prime sponsor; Christie Perkins, Washington State Special Education Coalition.

OTHER: Barbara Mertens, Washington Association of School Administrators; Jerry Bender, Association of Washington School Principals.