
Education Committee

HB 1310

Brief Description: Creating a program to provide students and the community with the means to report anonymously concerning unsafe or violent activities, or the threat of these activities.

Sponsors: Representatives Manweller, Bergquist, Hayes, Riccelli, Klippert, Smith, Muri and Jinkins.

Brief Summary of Bill

- Establishes the Students Protecting Students Program (program), within the Office of the Superintendent of Public Instruction, to provide students and the community with the means to report anonymously to appropriate law enforcement agencies and schools concerning unsafe or violent activities, or the threat of these activities.
- Requires that school districts annually make available at least one age-appropriate educational program or activity designed to teach students about the program, and disseminate information about the program to students and families.

Hearing Date: 1/30/17

Staff: Megan Wargacki (786-7194).

Background:

School Safety. In Washington, all public schools and school districts must have current Safe School Plans and procedures in place. The School Safety Center, within the Office of the Superintendent of Public Instruction (OSPI), provides resources to help in the development of high-quality emergency operations and safety plans. The website of the School Safety Center has information about bullying and harassment, gang activity in schools, and crisis resources, among other things.

Education Privacy Laws. The Family Educational Rights and Privacy Act (FERPA) is a federal law that protects the privacy of student education records. In general, schools must have written consent from the parent, or student when the right has transferred, to release any personally

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identifiable information (PII) from a student's education record. Under FERPA, PII includes the following:

- the student's name;
- the name of the student's parent or other family members;
- the address of the student or student's family;
- a personal identifier, such as the student's social security number, student number, or biometric record;
- other indirect identifiers, such as the student's date of birth, place of birth, and mother's maiden name;
- other information that, alone or in combination, is linked or linkable to a specific student that would allow a reasonable person in the school community, who does not have personal knowledge of the relevant circumstances, to identify the student with reasonable certainty; or
- information requested by a person who the educational agency or institution reasonably believes knows the identity of the student to whom the education record relates.

Mandated Reporter Requirements. Whenever a teacher, counselor, administrator, school nurse, or other professional school staff person has reasonable cause to believe that a child has suffered abuse or neglect, he or she must report the incident, or cause a report to be made, to the proper law enforcement agency or to the Department of Social and Health Services.

Misdemeanors and Gross Misdemeanor Offenses. A misdemeanor offense is punishable by a sentence of up to 90 days in jail, up to a \$1,000 fine, or both. A gross misdemeanor offense is punishable by a sentence of up to 364 days in jail, up to a \$5,000 fine, or both.

Summary of Bill:

The Students Protecting Students Program (program) is established, within the OSPI, to provide students and the community with the means to report anonymously concerning unsafe or violent activities, or the threat of these activities. The program must:

- establish procedures for anonymous reporting, where reporting can be accomplished by, at a minimum, phone, text message, and email;
- establish procedures, consistent with federal law, so that the PII of the reporting party remains unknown to persons operating the program, law enforcement agencies, and schools;
- establish procedures so that the PII of a reporting party who becomes known to persons operating the program through any means other than voluntary disclosure is not further disclosed; and
- promptly forward information, other than PII, collected by the program to the appropriate law enforcement agencies or schools.

The OSPI must contract with an existing organization to provide the program. This organization must have the ability to receive anonymous reporting 24 hours per day, seven days per week, and the ability to promptly forward the information as required. The OSPI may contract with the organization for up to three years and must review the performance of the organization before the contract is renewed.

Beginning in the 2017-18 school year, school districts must annually:

- make available to students at least one age-appropriate educational program or activity designed to teach students about the program and how to report anonymously to appropriate law enforcement agencies and schools; and
- disseminate information about the program, including the contact information for anonymous reporting, to students and families through any normal means of existing communication.

The definition of PII for the purposes of the program is similar to the FERPA definition, but it applies to information of the reporting party. The PII collected and maintained by the program must be confidential, and it is a misdemeanor for a person operating the program to knowingly disclose PII obtained through the program, except as follows. The program must release PII to a school district, charter school, or state-tribal compact school only after approval by the Superintendent of Public Instruction, or the Superintendent's designee, supported by an affidavit establishing reasonable suspicion that the reporting party knowingly filed a fraudulent report.

A party who, in good faith, reports to the program concerning unsafe, potentially harmful, dangerous, violent, or criminal activities, or the threat of these activities is immune from liability arising out of such reporting. However, a party who knowingly makes a false or misleading material statement to the program is guilty of a gross misdemeanor.

Reporting information to the program does not satisfy mandatory reporter requirements.

This act does not create a cause of action against the persons operating the program, the program, the organization operating the program, nor the OSPI or its employees.

Appropriation: None.

Fiscal Note: Requested on January 26, 2017.

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