

SSB 5689 - H COMM AMD
By Committee on Education

ADOPTED AS AMENDED 04/09/2019

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

16 (c)(i) Each school district must designate one person in the
17 school district as the primary contact regarding the policy and
18 procedure prohibiting harassment, intimidation, and bullying. In
19 addition to other duties required by law and the school district, the
20 primary contact must:

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

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

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

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

1 of public instruction on the policy and procedure prohibiting
2 harassment, intimidation, and bullying.

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

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

9 (2) School districts are encouraged to adopt and update the
10 policy and procedure prohibiting harassment, intimidation, and
11 bullying through a process that includes representation of parents or
12 guardians, school employees, volunteers, students, administrators,
13 and community representatives.

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

19 (b) Each school district must provide to the office of the
20 superintendent of public instruction a brief summary of its policies,
21 procedures, programs, partnerships, vendors, and instructional and
22 training materials prohibiting harassment, intimidation, and bullying
23 to be posted on the office of the superintendent of public
24 instruction's school safety center web site, and must also provide
25 the office of the superintendent of public instruction with a link to
26 the school district's web site for further information. The school
27 district's primary contact for harassment, intimidation, and bullying
28 issues must annually by August 15th verify posted information and
29 links and notify the school safety center of any updates or changes.

30 (c) The office of the superintendent of public instruction must
31 publish on its web site, with a link to the school safety center web
32 site, the revised and updated model policy and procedure prohibiting
33 harassment, intimidation, and bullying, along with training and
34 instructional materials on the components that must be included in
35 any school district policy and procedure prohibiting harassment,
36 intimidation, and bullying. By September 1, 2019, the office of the
37 superintendent of public instruction must adopt rules regarding
38 school districts' communication of the policy and procedure
39 prohibiting harassment, intimidation, and bullying to parents,
40 students, employees, and volunteers.

1 (4) By December 31, 2020, the office of the superintendent of
2 public instruction must develop a statewide training class for those
3 people in each school district who act as the primary contact
4 regarding the policy and procedure prohibiting harassment,
5 intimidation, and bullying as provided in subsection (1) of this
6 section. The training class must be offered on an annual basis by
7 educational service districts in collaboration with the office of the
8 superintendent of public instruction. The training class must be
9 based on the model policy and procedure prohibiting harassment,
10 intimidation, and bullying as provided in subsection (3) of this
11 section and include materials related to hazing and the Washington
12 state school directors' association model transgender student policy
13 and procedure as provided in section 2 of this act.

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

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

19 (b) (i) "Harassment, intimidation, or bullying" means any
20 intentional electronic, written, verbal, or physical act including,
21 but not limited to, one shown to be motivated by any characteristic
22 in RCW 28A.640.010 and 28A.642.010, or other distinguishing
23 characteristics, when the intentional electronic, written, verbal, or
24 physical act:

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

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

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

30 (D) Has the effect of substantially disrupting the orderly
31 operation of the school.

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

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

37 POLICIES AND PROCEDURES RELATING TO TRANSGENDER STUDENTS. (1) (a)
38 By January 31, 2020, each school district must adopt or amend if
39 necessary policies and procedures that, at a minimum, incorporate all

1 the elements of the model transgender student policy and procedure
2 described in subsection (3) of this section.

3 (b) School districts must share the policies and procedures that
4 meet the requirements of (a) of this subsection with parents or
5 guardians, students, volunteers, and school employees in accordance
6 with rules adopted by the office of the superintendent of public
7 instruction.

8 (c)(i) Each school district must designate one person in the
9 school district as the primary contact regarding the policies and
10 procedures relating to transgender students that meet the
11 requirements of (a) of this subsection. In addition to any other
12 duties required by law and the school district, the primary contact
13 must:

14 (A) Ensure the implementation of the policies and procedures
15 relating to transgender students that meet the requirements of (a) of
16 this subsection;

17 (B) Receive copies of all formal and informal complaints relating
18 to transgender students that meet the requirements of (a) of this
19 subsection;

20 (C) Communicate with the school district employees responsible
21 for monitoring school district compliance with this chapter, and the
22 primary contact regarding the school district's policy and procedure
23 prohibiting harassment, intimidation, and bullying under section 1 of
24 this act; and

25 (D) Serve as the primary contact between the school district, the
26 office of the education ombuds, and the office of the superintendent
27 of public instruction on policies and procedures relating to
28 transgender students that meet the requirements of (a) of this
29 subsection.

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

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

36 (2) As required by the office of the superintendent of public
37 instruction, each school district must provide to the office of the
38 superintendent of public instruction its policies and procedures
39 relating to transgender students that meet the requirements of
40 subsection (1)(a) of this section.

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

5 (b) The elements of the model transgender student policy and
6 procedure must, at a minimum: Incorporate the office of the
7 superintendent of public instruction's rules and guidelines developed
8 under RCW 28A.642.020 to eliminate discrimination in Washington
9 public schools on the basis of gender identity and expression;
10 address the unique challenges and needs faced by transgender students
11 in public schools; and describe the application of the model policy
12 and procedure prohibiting harassment, intimidation, and bullying,
13 required under section 1 of this act, to transgender students.

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

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

24 (b) The online training material must describe the role of school
25 district primary contacts for monitoring school district compliance
26 with this chapter prohibiting discrimination in public schools,
27 section 1 of this act related to the policies and procedures
28 prohibiting harassment, intimidation, and bullying, and this section
29 related to policies and procedures relating to transgender students.

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

33 (d) The office of the superintendent of public instruction must
34 annually notify school districts of the availability of the online
35 training material.

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

38 The office of the superintendent of public instruction, in
39 collaboration with the health care authority, the department of

1 health, and the liquor and cannabis board, must review and align the
2 healthy youth survey with the model transgender student policy and
3 procedure developed under section 2 of this act.

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

6 A teacher's evaluation under RCW 28A.405.100 may not be
7 negatively impacted if a teacher chooses to use curriculum or
8 instructional materials that address subject matter related to sexual
9 orientation including gender expression or identity so long as the
10 subject matter is age-appropriate and connected to the teacher's
11 content area.

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

17 Correct the title.

EFFECT: Makes the following changes to the underlying bill:

(1) Requires each school district to adopt or amend if necessary "policies and procedures that, at a minimum, incorporate all the elements of the model transgender student policy and procedure," rather than "a transgender student policy and procedure that, at a minimum, incorporates the model transgender student policy and procedure";

(2) Modifies provisions related to aligning the Healthy Youth Survey (HYS) with the model transgender student policy and procedure by: (a) Changing the list of agencies tasked with completing this work by the Liquor and Cannabis Board and the Health Care Authority, and removing the Department of Social and Health Services; and (b) specifying that the review and alignment be to the HYS, rather than to the questions in the HYS; and

(3) Makes conforming and other nonsubstantive changes, such as: (a) The term "antiharassment, intimidation, and bullying policy and procedure" is changed to "policy and procedure prohibiting harassment, intimidation, and bullying"; and (b) references to "policy" or "policy and procedure" are changed to either "policy and procedure prohibiting harassment, intimidation, and bullying" or "policies and procedures relating to transgender students," as applicable.

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