

# FINAL BILL REPORT

## SSB 5689

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Synopsis as Enacted

**Brief Description:** Concerning harassment, intimidation, bullying, and discrimination in public schools.

**Sponsors:** Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Liias, Saldaña, Pedersen, Wellman, Wilson, C., Randall, Hunt, McCoy, Salomon, Darneille, Hasegawa, Keiser, Kuderer and Nguyen).

### Senate Committee on Early Learning & K-12 Education House Committee on Education

**Background:** Harassment, Intimidation, or Bullying Policy and Primary Contacts. Current law requires each school district to have adopted or amended a policy and procedures that prohibits harassment, intimidation, or bullying (HIB) policy and procedure. School districts must designate a primary contact regarding the policy with certain responsibilities.

Discrimination Prohibition. State law prohibits discrimination on the basis of sexual orientation including gender expression or identity in Washington public schools. State law directs the Office of the Superintendent of Public Instruction (OSPI) to 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 textbooks and instructional materials used by students. According to OSPI's guidance, harassment based on gender identity and gender expression is a form of discrimination prohibited in Washington public schools. A school district is responsible for addressing discriminatory harassment about which it knows or reasonably should have known.

Washington State School Directors' Association (WSSDA). This organization is comprised of all 1477 school board members from Washington's 295 public school districts. WSSDA provides materials and educational services to its members, including model policies and procedures. In 2014, WSSDA revised its model transgender student policy and procedure.

Healthy Youth Survey. This survey is a collaborative effort between OSPI, the Department of Health (DOH), the Department of Social and Health Service (DSHS), Department of Commerce, and the Liquor and Cannabis Board. It is conducted every two years. The survey measures health risk behaviors of youth in the state. These behaviors include alcohol,

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tobacco, and other drug use; behaviors that result in unintentional and intentional injuries, such as violence; dietary behaviors; physical activity; and related risk and protective factors.

Teacher Evaluations. Teachers are subject to a rating evaluation system referred to as the Teacher/Principal Evaluation Program. Teachers receive an annual evaluation that focuses on one of eight specified criteria. Every four years, the evaluation must be comprehensive and use all of the criteria.

**Summary:** Transgender Student Policy and Primary Contacts. By September 1, 2019, and periodically thereafter, WSSDA must collaborate with OSPI to develop and update a model transgender student policy and procedure. At a minimum, it must:

- incorporate OSPI's rules and guidelines to eliminate discrimination in public schools on the basis of gender identity and expression;
- address the unique challenges and needs faced by transgender students in public schools; and
- describe the application of the model HIB policy and procedure to transgender students.

By January 31, 2020, school districts must adopt or amend, if necessary, policies and procedures, that at a minimum, incorporate all the elements of the model transgender student policy and procedure. School districts must share this policy with parents or guardians, students, volunteers, and school employees in accordance with rules adopted by OSPI.

School districts must designate one person in the district as the primary contact regarding the policy who must:

- ensure the implementation of the policy and procedure;
- receive copies of all formal and informal complaints;
- communicate with employees responsible for monitoring compliance; and
- serve as the primary contact between the school district, the Office of the Education Ombuds, and OSPI.

Harassment, Intimidation, or Bullying Policy and Primary Contacts. Current law regarding HIB policy, procedure, and primary contact is recodified and amended to mirror some of the requirements regarding transgender student policies and procedures.

Training for Primary Contacts. By December 31, 2020, OSPI must develop a statewide training class for primary contacts. The training class must be offered on an annual basis by educational service districts in collaboration with OSPI. The training class must be based on the model policies and include materials related to hazing. The primary contacts for the transgender student policy and HIB policies must attend at least one training class when the training is available.

Training for School Staff. By December 31, 2020, OSPI must develop online training material available to all school staff based on the model transgender student policy and procedure and OSPI's rules and guidance, which must:

- describe the role of school district primary contacts for monitoring school district compliance; and

- include best practices for policy and procedure implementation and cultural change that are guided by school district experiences.

OSPI must annually notify school districts of the availability of the online training material.

Healthy Youth Survey. OSPI, in collaboration with DOH, the Health Care Authority, and the Liquor and Cannabis Board, must review and align the questions in the Healthy Youth Survey with the model transgender student policy and procedure created by WSSDA.

Teacher Evaluations. A teacher's evaluation may not be negatively impacted if a teacher chooses to use curriculum or instructional materials that address subject matter related to sexual orientation including gender expression or identity so long as the subject matter is age-appropriate and connected to the teacher's content area.

**Votes on Final Passage:**

Senate	29	20	
House	60	36	(House amended)
Senate	30	19	(Senate concurred)

**Effective:** July 28, 2019