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**SUBSTITUTE SENATE BILL 5689**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

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

READ FIRST TIME 02/22/19.

1 AN ACT Relating to preventing harassment, intimidation, bullying,  
2 and discrimination in public schools; adding a new section to chapter  
3 28A.600 RCW; adding a new section to chapter 28A.642 RCW; adding a  
4 new section to chapter 28A.300 RCW; adding a new section to chapter  
5 28A.405 RCW; and repealing RCW 28A.300.285.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

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

15 (b) School districts must share this antiharassment,  
16 intimidation, and bullying policy and procedure with parents or  
17 guardians, students, volunteers, and school employees in accordance  
18 with the rules adopted by the office of the superintendent of public  
19 instruction.

20 (c)(i) Each school district must designate one person in the  
21 school district as the primary contact regarding the antiharassment,

1 intimidation, or bullying policy and procedure. In addition to other  
2 duties required by law and the school district, the primary contact  
3 must:

4 (A) Ensure the implementation of the policy and procedure;

5 (B) Receive copies of all formal and informal harassment,  
6 intimidation, or bullying complaints;

7 (C) Communicate with the school district employees responsible  
8 for monitoring school district compliance with chapter 28A.642 RCW,  
9 prohibiting discrimination in public schools, and section 2 of this  
10 act, related to transgender student policy and procedure; and

11 (D) Serve as the primary contact on the policy and procedure  
12 between the school district, the office of the education ombuds, and  
13 the office of the superintendent of public instruction.

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

17 (iii) The primary contact may also serve as the primary contact  
18 regarding the school district's transgender policy under section 2 of  
19 this act.

20 (2) School districts are encouraged to adopt and update the  
21 policy and procedure through a process that includes representation  
22 of parents or guardians, school employees, volunteers, students,  
23 administrators, and community representatives.

24 (3)(a) By September 1, 2019, and periodically thereafter, the  
25 Washington state school directors' association must collaborate with  
26 the office of the superintendent of public instruction to develop and  
27 update a model policy and procedure that prohibits harassment,  
28 intimidation, and bullying.

29 (b) Each school district must provide to the office of the  
30 superintendent of public instruction a brief summary of its policies,  
31 procedures, programs, partnerships, vendors, and instructional and  
32 training materials to be posted on the office of the superintendent  
33 of public instruction's school safety center web site, and must also  
34 provide the office of the superintendent of public instruction with a  
35 link to the school district's web site for further information. The  
36 school district's primary contact for harassment, intimidation, and  
37 bullying issues must annually by August 15th verify posted  
38 information and links and notify the school safety center of any  
39 updates or changes.

1 (c) The office of the superintendent of public instruction must  
2 publish on its web site, with a link to the school safety center web  
3 site, the revised and updated model harassment, intimidation, and  
4 bullying prevention policy and procedure, along with training and  
5 instructional materials on the components that must be included in  
6 any school district policy and procedure. By September 1, 2019, the  
7 office of the superintendent of public instruction must adopt rules  
8 regarding school districts' communication of the policy and procedure  
9 to parents, students, employees, and volunteers.

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

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

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

27 (b)(i) "Harassment, intimidation, or bullying" means any  
28 intentional electronic, written, verbal, or physical act including,  
29 but not limited to, one shown to be motivated by any characteristic  
30 in RCW 28A.640.010 and 28A.642.010, or other distinguishing  
31 characteristics, when the intentional electronic, written, verbal, or  
32 physical act:

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

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

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

38 (D) Has the effect of substantially disrupting the orderly  
39 operation of the school.

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

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

6 TRANSGENDER STUDENT POLICY AND PROCEDURE. (1)(a) By January 31,  
7 2020, each school district must adopt or amend if necessary a  
8 transgender student policy and procedure 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 this transgender student policy  
12 and procedure with parents or guardians, students, volunteers, and  
13 school employees in accordance with rules adopted by the office of  
14 the superintendent of public instruction.

15 (c)(i) Each school district must designate one person in the  
16 school district as the primary contact regarding the transgender  
17 student policy and procedure. In addition to any other duties  
18 required by law and the school district, the primary contact must:

19 (A) Ensure the implementation of the policy and procedure;

20 (B) Receive copies of all formal and informal complaints;

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

26 (D) Serve as the primary contact on the policy and procedure  
27 between the school district, the office of the education ombuds, and  
28 the office of the superintendent of public instruction.

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

32 (iii) The primary contact may also serve as the primary contact  
33 regarding the school district's antiharassment, intimidation, or  
34 bullying policy under section 1 of this act.

35 (2) As required by the office of the superintendent of public  
36 instruction, each school district must provide to the office of the  
37 superintendent of public instruction its policies and procedures  
38 relating to transgender students.

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

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 department of health and the department of

1 social and health services, must review and align the questions in  
2 the healthy youth survey with the model transgender student policy  
3 and 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.

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