

CERTIFICATION OF ENROLLMENT

SUBSTITUTE SENATE BILL 5689

66th Legislature
2019 Regular Session

Passed by the Senate April 18, 2019
Yeas 30 Nays 19

President of the Senate

Passed by the House April 9, 2019
Yeas 60 Nays 36

Speaker of the House of Representatives

Approved

Governor of the State of Washington

CERTIFICATE

I, Brad Hendrickson, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SUBSTITUTE SENATE BILL 5689** as passed by the Senate and the House of Representatives on the dates hereon set forth.

Secretary

FILED

**Secretary of State
State of Washington**

SUBSTITUTE SENATE BILL 5689

AS AMENDED BY THE HOUSE

Passed Legislature - 2019 Regular Session

State of Washington 66th Legislature 2019 Regular Session

By Senate 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)

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 prohibiting harassment,
12 intimidation, and 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 the policy and procedure
16 prohibiting harassment, intimidation, and bullying 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 policy and

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

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

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

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

13 (D) Serve as the primary contact between the school district, the
14 office of the education ombuds, and the office of the superintendent
15 of public instruction on the policy and procedure prohibiting
16 harassment, intimidation, and bullying.

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

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

23 (2) School districts are encouraged to adopt and update the
24 policy and procedure prohibiting harassment, intimidation, and
25 bullying through a process that includes representation of parents or
26 guardians, school employees, volunteers, students, administrators,
27 and community representatives.

28 (3)(a) By September 1, 2019, and periodically thereafter, the
29 Washington state school directors' association must collaborate with
30 the office of the superintendent of public instruction to develop and
31 update a model policy and procedure prohibiting harassment,
32 intimidation, and bullying.

33 (b) Each school district must provide to the office of the
34 superintendent of public instruction a brief summary of its policies,
35 procedures, programs, partnerships, vendors, and instructional and
36 training materials prohibiting harassment, intimidation, and bullying
37 to be posted on the office of the superintendent of public
38 instruction's school safety center web site, and must also provide
39 the office of the superintendent of public instruction with a link to
40 the school district's web site for further information. The school

1 district's primary contact for harassment, intimidation, and bullying
2 issues must annually by August 15th verify posted information and
3 links and notify the school safety center of any updates or changes.

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

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

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

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

33 (b) (i) "Harassment, intimidation, or bullying" means any
34 intentional electronic, written, verbal, or physical act including,
35 but not limited to, one shown to be motivated by any characteristic
36 in RCW 28A.640.010 and 28A.642.010, or other distinguishing
37 characteristics, when the intentional electronic, written, verbal, or
38 physical act:

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

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

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

5 (D) Has the effect of substantially disrupting the orderly
6 operation of the school.

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

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

12 POLICIES AND PROCEDURES RELATING TO TRANSGENDER STUDENTS. (1)(a)
13 By January 31, 2020, each school district must adopt or amend if
14 necessary policies and procedures that, at a minimum, incorporate all
15 the elements of the model transgender student policy and procedure
16 described in subsection (3) of this section.

17 (b) School districts must share the policies and procedures that
18 meet the requirements of (a) of this subsection with parents or
19 guardians, students, volunteers, and school employees in accordance
20 with rules adopted by the office of the superintendent of public
21 instruction.

22 (c)(i) Each school district must designate one person in the
23 school district as the primary contact regarding the policies and
24 procedures relating to transgender students that meet the
25 requirements of (a) of this subsection. In addition to any other
26 duties required by law and the school district, the primary contact
27 must:

28 (A) Ensure the implementation of the policies and procedures
29 relating to transgender students that meet the requirements of (a) of
30 this subsection;

31 (B) Receive copies of all formal and informal complaints relating
32 to transgender students;

33 (C) Communicate with the school district employees responsible
34 for monitoring school district compliance with this chapter, and the
35 primary contact regarding the school district's policy and procedure
36 prohibiting harassment, intimidation, and bullying under section 1 of
37 this act; and

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

1 of public instruction on policies and procedures relating to
2 transgender students that meet the requirements of (a) of this
3 subsection.

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

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

10 (2) As required by the office of the superintendent of public
11 instruction, each school district must provide to the office of the
12 superintendent of public instruction its policies and procedures
13 relating to transgender students that meet the requirements of
14 subsection (1)(a) of this section.

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

19 (b) The elements of the model transgender student policy and
20 procedure must, at a minimum: Incorporate the office of the
21 superintendent of public instruction's rules and guidelines developed
22 under RCW 28A.642.020 to eliminate discrimination in Washington
23 public schools on the basis of gender identity and expression;
24 address the unique challenges and needs faced by transgender students
25 in public schools; and describe the application of the model policy
26 and procedure prohibiting harassment, intimidation, and bullying,
27 required under section 1 of this act, to transgender students.

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

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

38 (b) The online training material must describe the role of school
39 district primary contacts for monitoring school district compliance
40 with this chapter prohibiting discrimination in public schools,

1 section 1 of this act related to the policies and procedures
2 prohibiting harassment, intimidation, and bullying, and this section
3 related to policies and procedures relating to transgender students.

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

7 (d) The office of the superintendent of public instruction must
8 annually notify school districts of the availability of the online
9 training material.

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

12 The office of the superintendent of public instruction, in
13 collaboration with the health care authority, the department of
14 health, and the liquor and cannabis board, must review and align the
15 healthy youth survey with the model transgender student policy and
16 procedure developed under section 2 of this act.

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

19 A teacher's evaluation under RCW 28A.405.100 may not be
20 negatively impacted if a teacher chooses to use curriculum or
21 instructional materials that address subject matter related to sexual
22 orientation including gender expression or identity so long as the
23 subject matter is age-appropriate and connected to the teacher's
24 content area.

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

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