

HOUSE BILL REPORT

HB 1817

As Reported by House Committee On:
Education

Title: An act relating to supporting survivors of sexual assault in public elementary and secondary schools.

Brief Description: Supporting survivors of sexual assault in public elementary and secondary schools.

Sponsors: Representatives Scott, Pollet, Doglio, Berry, Parshley, Obras, Goodman, Street, Macri, Taylor, Salahuddin, Ryu and Hill.

Brief History:

Committee Activity:

Education: 2/13/25, 2/18/25 [DPS].

Brief Summary of Substitute Bill

- Directs the Office of the Superintendent of Public Instruction to post staff training materials on trauma-informed, survivor-centered responses to disclosures of sexual abuse, misconduct, and assault and to develop a student and family guide on laws, policies, and procedures related to this topic and mandatory reporting.
- Requires mandatory reporter training for school employees to promote trauma-informed and survivor-centered responses and include bystander intervention training of employee sexual abuse of students.

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 18 members: Representatives Santos, Chair; Shavers, Vice Chair; Rude, Ranking Minority Member; Keaton, Assistant Ranking Minority Member; Bergquist, Callan, Chase, Couture, Donaghy, Eslick, Marshall, McEntire, Ortiz-Self, Pollet, Reeves,

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Rule, Scott and Stonier.

Staff: Megan Wargacki (786-7194).

Background:

Report: Supporting Survivors of Sexual Assault in Public Schools.

The 2022 Supplemental Operating Budget directed the Office of the Superintendent of Public Instruction (OSPI) to complete research on best practices, review mandatory reporting laws, conduct listening sessions, update model protocols, and develop a training plan for schools to be better prepared to respond to sexual assault and to support survivors in schools. The OSPI was required to consult with the Department of Children, Youth, and Families (DCYF), law enforcement professionals, sexual assault survivor organizations and advocates, and educators. The OSPI hired a contractor to complete the work and, as required, reported its findings and recommendations to the Legislature in 2023.

Mandatory Reporting of Child Abuse or Neglect.

"Abuse or neglect of a child" generally means sexual abuse or exploitation or other injury to the child by any person, or negligent treatment or maltreatment of a child by a person responsible for or providing care to the child.

When certain people, including "professional school personnel," have reasonable cause to believe that a child has suffered abuse or neglect, they are required to report the incident to the proper law enforcement agency or to the DCYF. "Reasonable cause" means a person witnesses or receives a credible written or oral report alleging abuse or neglect of a child.

Certificated and classified school employees who have knowledge or reasonable cause to believe that a student has been a victim of physical abuse or sexual misconduct by another school employee must report the abuse or misconduct to the appropriate school administrator. If the school administrator has reasonable cause to believe that the misconduct or abuse occurred, the school administrator must then report to the proper law enforcement agency.

Training Requirements.

Certificated and classified school employees must receive training regarding their reporting obligations when hired and every three years thereafter.

Sexual Harassment Policy.

School districts are required to adopt and implement a sexual harassment policy that applies to all employees, volunteers, parents, and students. The policy must be reviewed by the OSPI according to criteria that address grievance procedures, remedies to victims of sexual harassment, disciplinary actions against violators of the policy, and other subjects at the discretion of the OSPI.

The sexual harassment policy must be conspicuously posted in each school building, provided to each employee, and included in any publication setting forth the rules and standards of conduct for the school or school district.

Summary of Substitute Bill:

Training Requirements and Materials.

By November 1, 2026, the OSPI must post on its website staff training materials on trauma-informed, survivor-centered responses to disclosures of sexual abuse, misconduct, and assault, including best practices for working with local community experts. These materials must be updated periodically.

Effective August 1, 2027, training related to mandatory reporting required when certificated and classified school employees are hired and every three years thereafter must promote trauma-informed and survivor-centered responses to sexual abuse, misconduct, and assault, and must include bystander intervention training of employee sexual abuse of students.

Student and Family Guide.

By November 1, 2026, the OSPI, in collaboration with Washington State School Directors' Association and local community experts, must develop a student and family guide to the school district sexual harassment policy and other laws, policies, and procedures related to sexual abuse, misconduct, assault, and mandatory reporting of child abuse or neglect. The student and family guide must be culturally informed and be translated into the most common non-English languages spoken across the state. School districts are encouraged to make the guide available to students and families, especially those participating in the sexual harassment complaint process.

Substitute Bill Compared to Original Bill:

Compared to the original bill, the substitute bill no longer includes provisions directing the Legislative Youth Advisory Council (LYAC) to lead a collaborative discussion about the requirements for mandatory reporting of child abuse or neglect and make certain recommendations to the Legislature by December 1, 2025. It also does not require that the staff training materials and the student and family guide developed by the OSPI consider any recommendations developed by the LYAC.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on February 19, 2025.

Effective Date of Substitute Bill: The bill contains multiple effective dates. Please see the

bill.

Staff Summary of Public Testimony:

(In support) This is a unique time: there is a growth in incidents of assault in schools, as well as a growing awareness of assault in schools. Students are told that schools are places of safety, but many sexual assaults take place at schools. Students should not be retraumatized when they report their assault. In 2017 there was a 53 percent rise in reports of sexual assault, with mostly men accused. This bill is designed to combat the issue of the people who are most likely to be disempowered: the students.

In 2023 the OSPI reported to the Legislature on sexual assault in kindergarten through grade 12 schools. The report stated that students are often not comfortable reporting to staff because they do not know what will happen when they disclose, some are concerned about their identities being reported.

Coming forward takes immense courage. Many people have difficulty reporting sexual assault, even men. They may want to protect others, while remaining anonymous. Submitting reports can be simple, but responses can be dismissive, which can result in survivors giving up. Reporting tools often use dismissive and accusatory language, such as: "Why do you think the harassment occurred?" Institutions allow students to evade punishment for sexual assault. Student-on-student assault is often ignored or dismissed by staff.

Even students that feel comfortable reporting do not want to feel like a burden. Reporting comes with fear that rumors will spread or that the victim will not be believed. Students should know what will happen because of the reporting. Reporting systems must be clear and transparent. There needs to be multiple reporting tools in a variety of environments so that students can get the resources they need in private. Student safety in their learning environments should be treated as a matter of commitment, not a matter of cost. The bill reinforces regulations that should already be standard. There are 92 districts that already have access to a vendor that provides this training.

Sexual assault resource guides deserve more attention on school webpages. And the guides should be translated into the most common non-English language. The bill focuses on the students and improves access for educators to training on trauma-informed and student-centered sexual assault. This bill puts power in the hands of students to help design the laws and policies.

(Opposed) The OSPI should not be approving school board policies. Students should be involved in the process. Educating students about sexual harassment is critical; it should not just be information in a manual. Consensual sex is not harassment. Reports should be immediately forwarded to police because staff are not judges and juries.

(Other) Over the last few years parental rights have been in question. The bill mentions student voices, but it needs to also include parents and guardians, who have a vested interest in their children.

Persons Testifying: (In support) Representative Shaun Scott, prime sponsor; Lilah Wakefield, LYAC; Sarah Wen; Ashwika Mattam; Sarah Albertson, Office of the Superintendent of Public Instruction; Megan Nilsen; Oliver Farivar; Georgia Terrell; Yoori Youn; Grace Paulsell; and Ibrahim Karabay.

(Opposed) John Axtell.

(Other) Gabriel Jacobs.

Persons Signed In To Testify But Not Testifying: Apoorva Kancharla.