SENATE BILL REPORT
SB 5386

As of February 5, 2025

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: Senators Orwall, Dhingra, Frame, Hasegawa, Krishnadasan, Nobles, Saldaña, Trudeau, Valdez and Wilson, C..

Brief History:
Committee Activity: Early Learning & K-12 Education: 2/05/25.

Brief Summary of Bill

- Directs the Legislative Youth Advisory Council to lead a collaborative discussion about the requirements for mandatory reporting of child abuse or neglect and make certain recommendations by December 1, 2025.
- 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 including best practices for working with local community experts, and to develop a student and family guide on laws, policies, and procedures related to this topic by November 1, 2026.
- Requires existing school staff training to promote trauma-informed and survivor-centered responses and include bystander intervention training of employee sexual abuse of students, effective August 1, 2027.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Ailey Kato (786-7434)

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.

Background: Mandatory Reporting. State law requires certain people, including professional school personnel, to report when they have reasonable cause to believe that a child has suffered abuse or neglect to the proper law enforcement agency or the Department of Children, Youth, and Families (DCYF).

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 such abuse or misconduct to the appropriate school administrator. The school administrator must report to the proper law enforcement agency if they have reasonable cause to believe that the misconduct or abuse has occurred.

Training. Certificated and classified school employees must receive training regarding their reporting obligations under state law in their orientation training when hired and then every three years thereafter.

Sexual Harassment Policy. State law requires school districts to adopt and implement a written policy concerning sexual harassment that must be reviewed by Office of the Superintendent of Public Instruction (OSPI). The criteria for the policies are that they address grievance procedures, remedies to victims of sexual harassment, disciplinary actions against violators of the policy, and other subjects at the discretion of OSPI.

"Sexual harassment" means unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature if:

- submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;
- submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or
- that conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.

2023 Report on Supporting Survivors of Sexual Assault in K-12 Schools. The 2022 supplemental operating budget directed OSPI to assist sexual assault survivors in public schools by:

- researching best practices for a victim-centered, trauma-informed approach to responding to sexual assault;
- conducting listening sessions for the purpose of assessing challenges with responding to sexual assault and supporting survivors;
- updating model protocols;
- developing a plan for deploying training for school administrators and counselors;
- reviewing current legal requirements for mandating that educators and staff report suspected sexual assault and assess whether changes to those requirements should be made to align them with best practices.

OSPI was directed to work with DCYF, law enforcement professionals, national and state organizations supporting the interests of sexual assault survivors, victims' advocates, educators, school administrators, school counselors, and sexual assault survivors. OSPI submitted a final report in 2023.

Legislative Youth Advisory Council. The Legislative Youth Advisory Council (LYAC) is established to examine issues of importance to youth. LYAC consists of at least 22 members and has certain duties, including advising the standing committees of the Legislature regarding issues relating to youth, subject to the supervision of the Office of the Lieutenant Governor.

Summary of Bill: Collaborative Discussion. LYAC must lead a collaborative discussion about the requirements for mandatory reporting of child abuse or neglect, and the Office of the Lieutenant Governor must provide support. The purpose of this discussion is to solicit student feedback and to have students collaborate with relevant agencies and organizations. The discussion must include:

- a review of existing staff training,
- a review of the Washington State School Directors' Association's (WSSDA) model policies and procedures related to this topic;
- a review of mandatory reporting-related components of OSPI's 2023 report; and
- a review of existing systems that school districts are using for students to report concerns.

LYAC must conduct this discussion in no more than three meetings, and the meetings must include representatives from specified agencies and organizations.

By December 1, 2025, LAYC must report to OSPI, WSSDA, and the appropriate committees of the Legislature any recommendations it has for amending these laws to follow trauma-informed and survivor-centered best practices and any recommendations related to training materials and the contents of a student and family guide.

Mandatory Reporting. Certificated or classified school employees who have knowledge or reasonable cause to believe that a student has been a victim of sexual abuse, or assault, in addition to physical abuse and sexual misconduct, must report such abuse, misconduct, or assault to the appropriate school administrator.

Training and Materials. By November 1, 2026, OSPI must post on its website, and periodically update, 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 consider any recommendations developed by LYAC.

Effective August 1, 2027, training regarding reporting obligations that occur when staff is

hired and every three years thereafter must promote trauma-informed and survivor-centered responses to sexual abuse, misconduct, and assault, and it must include bystander intervention training of employee sexual abuse of students.

Student and Family Guide. By November 1, 2026, OSPI, in collaboration with WSSDA and local community experts, must develop, and periodically update, a student and family guide to the school district harassment policy required by existing law, and other laws, policies, and procedures related to sexual abuse, misconduct, and assault, and mandatory reporting of child abuse or neglect.

The guide must consider any recommendations developed by LYAC, 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.

Appropriation: None.

Fiscal Note: Requested on January 27, 2025.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: The bill contains several effective dates. Please refer to the bill.

Staff Summary of Public Testimony: PRO: Many students do not feel heard and seen when they report a sexual assault, and they could be further harmed by the reporting process. OSPI conducted a listening tour and published a report, and this bill is a follow up to that report. One of the greatest takeaways from that report is that students do not feel comfortable reporting peer-to-peer sexual assault because they don't understand what would happen once they report including who would be told.

It takes a lot of courage for students to report. Students are afraid of being blamed, judged, and traumatized by the school. According to one of the risk management programs, 42 percent of open claims for schools were related to sexual abuse. Schools are not properly responding when these reports are made and are not using victim-centered language such as asking why they think this incident occurred, which blames the victim. This bill acknowledges that students' voices and well-being matter and their concerns will not be dismissed or ignored. Schools should improve the reporting tools they are using and provide transparency to this reporting and should use trauma-informed language. Better reporting tools and training for staff will create a safer school environment. Families need help understanding the reporting process.

CON: LYAC consists of teenagers that are not yet part of the electorate. Youth should be

encouraged to learn about the legislative process, but their voices should not be used to influence the policy.

OTHER: The bill will not solve underreporting as written. Current mandatory reporting laws are based on whether they have reasonable cause to believe that a child has suffered abuse or neglect, but it is not clear what reasonable cause means. A definition would help teachers better understand when they need to report.

Persons Testifying: PRO: Senator Tina Orwall, Prime Sponsor; Sarah Albertson, OSPI; Ryn Wylie; Sofia Jalso; Megan Nilsen; Georgia Terrell; Oliver Farivar; Sebrena Burr, Seattle Council PTSA; Ibrahim Karabay; Grace Paulsell; Pearl Dimpsey; Charlotte Fithian; Yoori Youn; Mark Adrian Dulfo.

CON: John Morgan.

OTHER: Amy Cannava, Washington State Association of School Psychologists.

Persons Signed In To Testify But Not Testifying: No one.