

# HOUSE BILL REPORT

## SHB 2153

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As Amended by Senate

**Title:** An act relating to school district sexual harassment policy criteria.

**Brief Description:** Requiring the superintendent of public instruction to develop sexual harassment policy criteria for school districts.

**Sponsors:** By House Committee on Education (originally sponsored by Representatives J. Kohl, Foreman, Thibaudeau, Ballasiotes, L. Johnson, Cooke, Valle, R. Johnson, Ogden, H. Myers, Heavey, Cothorn, Appelwick, Anderson, Roland, Forner, Campbell, Kremen, Pruitt, Johanson, Kessler, Holm, King, Wineberry, Basich, Romero, Springer and Leonard).

**Brief History:**

Reported by House Committee on:  
Education, February 4, 1994, DPS;  
Passed House, February 15, 1994, 87-10;  
Amended by Senate.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 17 members: Representatives Dorn, Chair; Cothorn, Vice Chair; Brough, Ranking Minority Member; Brumsickle; Carlson; G. Cole; Eide; G. Fisher; Hansen; Holm; Jones; Karahalios; J. Kohl; Patterson; Pruitt; Roland and L. Thomas.

**Minority Report:** Do not pass. Signed by 2 members: Representatives B. Thomas, Assistant Ranking Minority Member; and Stevens.

**Staff:** Robert Butts (786-7111).

**Background:** In 1975, the Superintendent of Public Instruction (SPI) was instructed by the Legislature to develop regulations and guidelines to eliminate sex discrimination. Regulations were adopted in 1976, and have been amended on several occasions.

A recent study by the American Association of University Women found widespread cases of sexual harassment in the nation's schools.

**Summary of Bill:** By December 31, 1994, SPI is to develop criteria for use by school districts in developing sexual harassment policies. The criteria shall address the subjects of grievance procedures, remedies to victims of sexual harassment, disciplinary actions against violators of the policy, and other subjects at the discretion of the superintendent.

By June 30, 1995, every school district shall adopt and implement a written policy concerning sexual harassment. The policy shall apply to all employees, volunteers, parents, and students, including, but not limited to, conduct between students.

The school district policy must be conspicuously posted throughout each school building and provided to each employee, volunteer, and student.

A process for discussing the policy with employees, volunteers, parents, and students must be developed.

"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:

- (i) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;
- (ii) 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
- (iii) 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.

**EFFECT OF SENATE AMENDMENT(S):** The list of participants required to be involved in the school discussion of the sexual harassment policy was deleted. A copy of the policy would not be required to be given to volunteers.

**Fiscal Note:** Requested on Substitute February 4, 1994.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** Sexual harassment is a problem in our schools that must be addressed. School administrators are not properly responding to the problem. Social problems, such as sexual harassment, negatively affect student learning.

**Testimony Against:** SPI should not be required to approve the policy.

**Witnesses:** Representative Kohl (Prime Sponsor); Virginia DeForest, American Association of University Women (pro); Emily Monjay, Matthew Matsudaira, Brieanne Kellogg, Karen Sandvik, Josh Green, students (pro); Jeanne Berry, administrator (pro); Susan Patrick, Superintendent of Public Instruction (pro with concerns); Lorraine Wilson, Washington State School Directors' Association (con); and Jerry Sheehan (concerns).

**VOTE ON FINAL PASSAGE:**

Yeas 87; Nays 10; Excused 1

Nays: Representatives Ballard, Chandler, Fuhrman, Lisk, McMorris, Padden, Silver, Stevens, Talcott, B. Thomas

Excused: Representative Riley