

SENATE BILL REPORT

SHB 2153

AS REPORTED BY COMMITTEE ON EDUCATION, FEBRUARY 25, 1994

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

SPONSORS: 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)

HOUSE COMMITTEE ON EDUCATION

SENATE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended.

Signed by Senators Pelz, Chairman; McAuliffe, Vice Chairman; Gaspard, Moyer, Nelson, M. Rasmussen, Rinehart, Skratek and Winsley.

Staff: Susan Mielke (786-7439)

Hearing Dates: February 25, 1994

BACKGROUND:

In 1975, the Superintendent of Public Instruction (SPI) was instructed by the Legislature to develop regulations and guidelines to eliminate gender discrimination. Regulations were adopted in 1976, and have been amended on several occasions. Sexual harassment is recognized as a form of gender discrimination.

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

SUMMARY:

By December 31, 1994, SPI is to develop criteria for use by school districts in developing sexual harassment policies. The criteria shall address grievance procedures, remedies, disciplinary actions and other subjects at the discretion of the superintendent. SPI shall supply sample policies to districts on request.

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. SPI shall review the district policy.

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

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

"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:

- (1) submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;
- (2) 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
- (3) 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.

SUMMARY OF PROPOSED COMMITTEE AMENDMENT:

The list of participants required to be involved in the school discussion of the sexual harassment policy of the district is deleted.

Appropriation: none

Revenue: none

Fiscal Note: available

TESTIMONY FOR:

Students and others have identified sexual harassment as a problem in schools. Sexual harassment affects the self-esteem and confidence of those who experience it. If districts had a policy that addressed the problem of sexual harassment in school it would help create a safer school climate. Generally, state mandates should not be used because of the importance of local control. But sexual harassment is a social problem that requires the state to address it in a uniform manner.

TESTIMONY AGAINST: None

TESTIFIED: PRO: Representative Jeanne Kohl, prime sponsor; Jeanne Berry, ABC Consulting; Walter Ball, Association of WA School Principals; Matthew Matsudaira, ABC Team, student; Danielle Berry, ABC Team; Nelson Adams, ABC Team; Linda Byrnes, State Board of Education; Susan Patrick, Office of the Superintendent of Public Instruction; Marcia Holland, WA State PTA; Emily Monjay, Hamilton Middle School student