

HOUSE BILL ANALYSIS

HB 1765

Title: An act relating to protecting public school students.

Brief Description: Protecting public school students from malicious harassment.

Sponsors: Representatives Murray, Mitchell, Grant, Radcliff, Quall, Ballasiotes, DeBolt, Hankins, Campbell, Skinner, Sullivan, K. Schmidt, Haigh, Van Luven, Hatfield, Mastin, Anderson, Dunn, Carlson, Alexander, Santos, O'Brien, Wood, Kastama, Dickerson, Edwards, Tokuda, Schual-Berke, Ogden, Stensen, Conway, Cooper, Edmonds, Linville, Veloria, Kenney, Lovick, H. Sommers, Lantz, Regala, Rockefeller, McIntire, Gombosky, Constantine, Doumit, Kessler, Chopp, Fisher, Dunshee, Kagi, Ruderman, Cody, G. Chandler, Schoesler, Poulsen, Reardon, Keiser, Scott, Morris, Romero, Hurst, Eickmeyer, Wolfe and Miloscia.

HOUSE COMMITTEE ON EDUCATION

Meeting Date: March 10, 1999.

Bill Analysis Prepared by: Charlie Gavigan (786-7340).

Background: In 1994, the legislature required the Superintendent of Public Instruction (SPI) to develop criteria for use by school districts in developing sexual harassment policies. The criteria must 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 SPI. Every school district is required to have and implement a written policy concerning sexual harassment.

The crime of malicious harassment is a class C felony.

Summary of Bill: In addition to having and implementing a policy on sexual harassment, school districts must have a similar policy to address malicious harassment. The Superintendent of Public Instruction (SPI) must develop criteria for use by school districts in developing policies on malicious harassment by December 31, 1999. The criteria must address the subjects of grievance procedures, remedies to victims of malicious harassment, disciplinary actions against violators of the policy, and other subjects at the discretion of SPI.

Every school district is required to have and implement a written policy concerning malicious harassment by July 1, 2000. The policy applies to all employees, volunteers, parents, and students, including conduct between students. SPI reviews the school district policies as part of its sexual equity compliance monitoring.

The school district policy must be conspicuously posted throughout each school building and provided to each employee. A process for discussing the policy with employees, volunteers, parents, and students must be developed. SPI must adopt guidelines for training school district employees and volunteers about school district policies regarding sexual and malicious harassment by July 1, 2000.

Malicious harassment– means the same as defined in the criminal code. It is maliciously and intentionally causing physical injury to the victim or another person, damaging or destroying property of the victim or another person, or threatening a specific person or group of people or their property because of the perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap.

Appropriation: None.

Fiscal Note: Not requested.

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