

# FINAL BILL REPORT

## SHB 1444

---

---

### PARTIAL VETO

C 207 L 02

Synopsis as Enacted

**Brief Description:** Requiring school districts to adopt policies prohibiting harassment, intimidation, and bullying.

**Sponsors:** By House Committee on Appropriations (originally sponsored by Representatives Murray (co-prime sponsor), Ballasiotes (co-prime sponsor), Mitchell, Quall, Dickerson, Haigh, McIntire, Linville, Simpson, Reardon, Kenney, Hunt, Fisher, Conway, Hurst, Tokuda, Fromhold, Poulsen, Santos, Romero, Rockefeller, Dunshee, Gombosky, Darneille, Edwards, Skinner, O'Brien, Lantz, Wood, Miloscia, Grant, Kessler, Kirby, Jackley, Kagi, Keiser, Sommers, Ogden, Cody, Edmonds, Morris, Lovick, McDermott, Woods, Jarrett, Mastin, Cooper, Schual-Berke and Ruderman; by request of Governor Locke, Attorney General and Superintendent of Public Instruction).

**House Committee on Education**  
**Senate Committee on Education**

#### **Background:**

Compulsory course work in the common school curriculum includes cultivating the importance of manners. Instruction in temperance and good citizenship also is required once each year. Other related programs may include conflict-resolution training and violence-prevention training.

No laws specifically address harassment, intimidation, or bullying by students in the school setting. However, certain criminal laws may be applicable on a limited basis.

Criminal harassment means: (1) threatening to cause bodily injury or physical damage to property, or to subject someone to physical confinement or restraint, or to maliciously do anything intended to substantially harm a person's physical or mental health and safety; and (2) creating a reasonable fear (by words or conduct ) that the threat will be carried out immediately or in the future.

Criminal malicious harassment means maliciously and intentionally committing the crime of harassment because of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap.

These criminal laws may apply to children of limited ages. A child 12 years old and older is presumed to be capable of committing a crime. A child between 8 and 12 years

old is presumed to be incapable of committing a crime, but the presumption may be overcome by evidence. A child under 8 years old is incapable of committing a crime. The decision regarding whether to prosecute for these crimes rests solely within the prosecutor's office.

**Summary:**

Each school district must adopt or amend a policy prohibiting harassment, intimidation, or bullying by August 1, 2003. School districts have local control over each policy so long as it prohibits harassment, intimidation, or bullying of any student. School districts are responsible for sharing this policy with parents or guardians, students, volunteers, and school employees.

Harassment, intimidation, or bullying are defined collectively as any intentional written, verbal, or physical act that is shown as being motivated by the person's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap, or by other distinguishing characteristics. Students are not required to actually possess a characteristic that is the basis for the harassment, intimidation, or bullying.

To be harassment, intimidation, or bullying, the intentional written, verbal, or physical acts must:

- physically harm a student or damage the student's property;
- have the effect of substantially interfering with a student's education;
- be so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
- have the effect of substantially disrupting the orderly operation of the school.

The Office of the Superintendent of Public Instruction (OSPI) must develop and provide to school districts a model policy and training materials by August 1, 2002. The model policy should be developed in consultation with representatives of parents, school personnel, and other interested parties.

Additionally, the OSPI is required to disseminate training materials in a variety of ways. The OSPI's website must have a link to the Safety Center web page, where the OSPI must post training and instructional materials as well as their model policy on harassment, intimidation, or bullying. School districts must have direct access to the Safety Center website where districts can post summaries of their policies, programs, partnerships, vendors, and instructional and training materials, and a link to each school district's website. To the extent that resources are available, the OSPI is given the authority to update its existing technology.

Each school district is required to report to the OSPI all incidents of harassment, intimidation, or bullying that result in disciplinary action. School districts must start

reporting beginning with the 2002-03 school year and must continue to report by January 31 of each year. The OSPI must compile this information and report it to the Legislature.

Any reprisals, retaliations or false accusations against a victim, witness, or person with reliable information about an act of harassment, intimidation, or bullying are prohibited. Employees, students, and volunteers with reliable information about an incident are encouraged to report the incident to an appropriate school official. Employees, students, and volunteers who report violations in compliance with policy procedures are immune from liability for damages for failure to remedy an incident.

**Votes on Final Passage:**

House 81 16  
Senate 41 6 (Senate amended)  
House 86 8 (House concurred)

**Effective:** June 13, 2002

**Partial Veto Summary:** The Governor vetoed the requirement that school districts report to the OSPI on all incidents of harassment, intimidation, or bullying that resulted in disciplinary action and the requirement that the OSPI compile and report to the Legislature on all incidents of harassment, intimidation, or bullying that resulted in disciplinary action.