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## Education Committee

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### HB 1444

**Brief Description:** Requiring policies prohibiting harassment, intimidation, and bullying on school grounds and at school activities.

**Sponsors:** 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.

#### Brief Summary of Bill

- Requiring policies prohibiting harassment, intimidation, and bullying on or near school grounds, at any school-sponsored activity, on any school-provided transportation, or at any official bus stop.

**Hearing Date:** 1/21/02

**Staff:** Ilene Miller (786-7310).

#### 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.

Currently, there are no laws specifically addressing harassment, intimidation, and 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 of whether to prosecute for these crimes rests solely within the prosecutor's office.

### **Summary of Bill:**

Each school district is required to adopt a policy prohibiting harassment, intimidation, and bullying by September 1, 2002. The Office of the Superintendent of Public Instruction (OSPI) is required to develop a model policy by December 1, 2001.

Harassment, intimidation, and bullying are defined collectively as any gesture or written, verbal, or physical act that is reasonably perceived as being motivated by the person's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap, or by any other distinguishing characteristic. These characteristics can either be actual or perceived.

Harassment, intimidation, and bullying include acts that takes place on or near any school grounds, at any school-sponsored activity, on any school-provided transportation, or at an official bus stop and:

- that a reasonable person should know will harm a student, damage property, or place a student in reasonable fear of harm to person or property; or
- has the effect of insulting or demeaning any student or group of students in a manner that disrupts or interferes with the school's educational mission or the student's education.

School districts have local control over policy content so long as the policy contains certain provisions. These provisions include:

- a statement prohibiting the behavior;
- a definition of the behavior that is no less inclusive than the definition listed above;
- a description of the type of behavior expected from the students;
- consequences and remedial action to be taken for a person who engages in harassment, intimidation, and bullying;
- procedures for reporting incidents anonymously, conducting prompt investigations, and methods of response;
- a statement that prohibits reprisal or retaliation, and the consequences for those that do engage in reprisal or retaliation; and
- a statement of how the policy will be publicized which includes a notice that the policy applies to school-sponsored activities.

Districts are encouraged to include parents, employees, volunteers, students, administrators, and community interests in the policy development process.

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 the 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.

To the extent funds are appropriated, school districts must: 1) provide training to employees and volunteers who have significant contact with students; and 2) develop ways to discuss the policy with students. Also, each school's employee training program must include training about the school district's policy. Schools and school districts are also encouraged, but not required, to develop anti-bullying task forces, programs and initiatives that involve students, teachers, parents, administrators and other community members.

**Appropriation:** None.

**Fiscal Note:** Requested on 1/15/02.

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