

Education Committee

ESSB 5528

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

Sponsors: *By Senate Committee on Education (originally sponsored by Senators McAuliffe, Winsley, Kohl-Welles, Eide, Regala, Kline, Costa and Gardner; by request of Governor Locke, Attorney General and Superintendent of Public Instruction).*

Hearing Date: *3/21/01.*

Staff: *Sydney Forrester (786-7120).*

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. Related programs may include conflict-resolution training and violence-prevention training.

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 an intentional gesture or written, verbal, or physical act: 1) that a reasonable person should know will harm a student or damage property, or place a student in reasonable fear of harm to person or property; or 2) that is sufficiently severe, persistent, or pervasive that it creates an intimidating, threatening, or abusive educational environment.

Districts have local control over policy content, but the policy must contain at least a statement prohibiting the behavior, a definition of the behavior, and a procedure for notifying parents of students involved in an incident of harassment, intimidation, and bullying. Districts are encouraged to include parents, employees, volunteers, students, administrators, and community interests in the policy development process.

To the extent funds are appropriated, school districts must provide training to employees and volunteers who have significant contact with students. Employees, students, and volunteers who report violations in compliance with policy procedures are immune from liability for damages for failure to remedy an incident.

Appropriation: *None.*

Fiscal Note: *Requested on March 16, 2001.*

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