

# SENATE BILL REPORT

## SHB 1444

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As Reported By Senate Committee On:  
Education, February 28, 2002

**Title:** An act relating to preventing harassment, intimidation, or bullying in schools.

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

**Sponsors:** House Committee on Appropriations (originally sponsored by Representatives Murray, Ballasiotes, 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 History:**

**Committee Activity:** Education: 2/20/02, 2/28/02 [DPA, DNPA].

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### SENATE COMMITTEE ON EDUCATION

**Majority Report:** Do pass as amended.

Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Kastama, Kohl-Welles, Prentice, Rasmussen and Regala.

**Minority Report:** Do not pass as amended.

Signed by Senator Hochstatter.

**Staff:** Heather Lewis-Lechner (786-7448)

**Background:** Under current law, school districts must adopt written rules regarding pupil conduct, discipline, and rights, and must also develop written procedures for administering discipline at each school within the district. Additionally, school districts must adopt classroom discipline policies that permit teachers to take disciplinary action against students who use abusive or foul language directed at employees, volunteers, or other students.

**Summary of Amended Bill:** By August 1, 2003, each school district must adopt a policy or amend a policy prohibiting the harassment, intimidation, or bullying of any student. The definition of "harassment, intimidation, or bullying" is established. The policy must be shared with parents or guardians, students, volunteers and school employees. The process by which the policy is adopted or amended should include representation from those groups listed in the bill and it is recommended that the policy emphasize positive character traits and values, as well as the responsibility of students to comply with the policy.

The Office of the Superintendent of Public Instruction (OSPI) must develop and provide to the school districts a model policy and training materials by August 1, 2002. The model policy is developed in consultation with representatives of parents, school personnel and other interested parties and is posted on the OSPI website. The training materials are disseminated in a variety of ways. The OSPI website must have a link to the Safety Center website. School districts must have direct access to the Safety Center website and post summaries of their own policies and provide a link to their own school's website for further information.

School employees, students, or volunteers who witness a bullying incident are encouraged to report such an incident and will be immune from liability for failure to remedy the incident if the incident is promptly reported in compliance with school procedures.

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.

Each school district must report to the Superintendent of Public Instruction (SPI) all incidents of harassment, intimidation, or bullying that results in a short or long-term suspension or expulsion and SPI shall report to the Legislature.

**Amended Bill Compared to Substitute Bill:** Immunity for those who report incidents of bullying, harassment, or intimidation is extended to include students or volunteers, not only employees. The policy adopted by the school districts should be developed in a process that involves representatives of the groups listed in the bill. Each school district must report to the Superintendent of Public Instruction all incidents of harassment, intimidation or bullying that result in a short or long-term suspension or expulsion.

**Appropriation:** None.

**Fiscal Note:** Available.

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

**Testimony For:** This bill is not about regulating free speech and it is not about dictating to school districts. This bill is about creating safe schools for our students and training school employees in how to create safe schools. The bullying of today is now a life and death issue. We do not tolerate harassment or intimidation in our workplaces; why do we let our children be bullied and intimidated in our schools? If children are afraid to go to school, it is preventing them from learning. This bill is necessary to give all schools in Washington a clear framework to work under and it will create a consistent and predictable response in every school throughout the state.

**Testimony Against:** There are already laws on the books that deal with threats, assault, and intimidation. Another law is not needed and this one will not fix the problem. The bill has no teeth; there are no enforcement procedures in the bill. This bill is dealing with the effects and not the cause of the problem. The problem is that parents are not talking and working with their kids. You cannot legislate niceness or morality; it is up to each parent to instill morals and behaviors in their child.

**Testified:** PRO: Representatives Edward Murray, Ida Ballasiotes, prime sponsors; John Stokes, Rhonda McKim, Kimberly Golding, Jean Carpenter, WSPTA; Rachel Anders, Rebecca Anders, WSPTA/Student; Michelle Heacox, Sunny Moyer, Melissa Turner, student; Jamie Ware, Children's Home Society; Jeanell Malone, teacher; Barry Lawson, M.D., WA Ch. Am. Academy of Pediatrics; Glenn Gorton, PSE; Dustin Pierpoint, Lacey Police Dept.; Jerry Painter, Gary King, WEA; Rainer Houser, AWSP; Michelle Reid, Port Angeles High School; Ahndrea Blue, Governor's Office; CON: Julie Whitson, CWA; Barbara Block, Dan Piercora, parents; Ben Block, Jeremy Backlin, student; Richard Forcier, Christian Coalition; Catherine Fankhausen, Citizen; Alton McDonald, Citizens for Equity and Equality Education.