

SENATE BILL REPORT

2ESSB 5528

As Passed Senate, May 16, 2001

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

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

Sponsors: 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; Superintendent of Public Instruction).

Brief History:

Committee Activity: Education: 1/29/01, 2/19/01 [DPS-WM, DNP].

Passed Senate: 3/7/01, 36-13.

First Special Session: Passed Senate: 5/16/01, 32-15.

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 5528 be substituted therefor, and the substitute bill do pass and be referred to Committee on Ways & Means.

Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Carlson, Finkbeiner, Johnson, Prentice, Rasmussen and Zarelli.

Minority Report: Do not pass.

Signed by Senator Hochstatter.

Staff: Kelly Simpson (786-7403)

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 Bill: Each school district must adopt a specific policy prohibiting harassment, intimidation, or bullying of students that contains minimum specified provisions. The policy must be submitted to the Office of the Superintendent of Public Instruction (OSPI) by September 1, 2002.

School districts must have local control over the content of the policies as long as four provisions are included. These provisions include: (1) a statement prohibiting harassment, intimidation, or bullying; (2) a specified definition of harassment, intimidation, or bullying; (3) a requirement that unfounded allegations be kept out of a student's file; and (4) parental notification of those involved in the prohibited incidents. To assist districts in developing the

policies, OSPI is directed to produce a model policy applicable to grades K-12. This model policy must be made available to school districts by December 1, 2001.

To the extent that funds are made available, each school district must: (1) provide training on the district's anti-bullying policy to employees and volunteers who have significant contact with students, and (2) develop ways to discuss the anti-bullying policy with students. Schools and school districts are also encouraged, but not required, to form anti-bullying task forces, programs, and initiatives that involve students, teachers, parents, administrators, and other community members. Finally, school employees, students, and volunteers who, in good faith, report incidents of bullying are immune from a cause of action for any failure to remedy the reported incident.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Bullying affects kids both emotionally and physically and disrupts their learning environment. It is a prevalent issue that is not being fully identified and addressed by adults or schoolchildren. This bill would send the message that we are serious about bullying and will not tolerate it. It will educate people about its effects and provide necessary safeguards against bullying, including necessary training and means of informing school officials about particular cases.

Testimony Against: Current policies and laws should be enforced rather than creating new redundant layers of regulation. This is not the best use of the state's money. There is also a constitutional issue regarding free speech.

Testified: PRO: Christine Gregoire, Attorney General; John Didion, Pacific County Sheriff; Danette Glassy, AG Task Force on Bullying; Ahndrea Blue, Governor's Office; Denise Fitch, OSPI; Michelle Reid, Port Angeles HS; Sunny Moyer, student; Jenny Goin, student; Michelle DiClementi, student; Gabi Clayton, student; Jenny Wieland, MAVIA; Bryce Butler, PFLAG; Carol Taylor Cann, WPTA; Jeaneane Hill, parent; CON: Julianne Burts, citizen.