
ENGROSSED SUBSTITUTE SENATE BILL 5528

State of Washington

57th Legislature

2001 Regular Session

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)

READ FIRST TIME 02/21/01.

1 AN ACT Relating to preventing harassment, intimidation, or bullying
2 in schools; adding new sections to chapter 28A.635 RCW; and creating a
3 new section.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

5 NEW SECTION. **Sec. 1.** The legislature declares that a safe and
6 civil environment in school is necessary for students to learn and
7 achieve high academic standards. The legislature finds that
8 harassment, intimidation, or bullying, like other disruptive or violent
9 behavior, is conduct that disrupts both a student's ability to learn
10 and a school's ability to educate its students in a safe environment.

11 Furthermore, the legislature finds that students learn by example.
12 The legislature commends school administrators, faculty, staff, and
13 volunteers for demonstrating appropriate behavior, treating others with
14 civility and respect, and refusing to tolerate harassment,
15 intimidation, or bullying.

16 NEW SECTION. **Sec. 2.** As used in sections 3 through 5 of this act,
17 "harassment, intimidation, or bullying" means any intentional gesture
18 or written, verbal, or physical act that:

1 (1) A reasonable person under the circumstances should know will
2 have the effect of harming a student or damaging his or her property,
3 or placing a student in reasonable fear of harm to his or her person or
4 damage to his or her property; or

5 (2) Is sufficiently severe, persistent, or pervasive that it
6 creates what a reasonable person under the circumstances would find an
7 intimidating, threatening, or abusive educational environment for a
8 student.

9 NEW SECTION. **Sec. 3.** (1) Each school district shall adopt or
10 amend if necessary its policy prohibiting harassment, intimidation, or
11 bullying. Each school district shall have local control over the
12 content of the policy as long as the policy contains, at a minimum, the
13 components in subsection (2) of this section. It is recommended that
14 the policy be adopted through a process that includes representation of
15 parents or guardians, school employees, volunteers, students,
16 administrators, and community representatives.

17 (2) Each school district's policy shall, at a minimum, include each
18 of the following components:

19 (a) A statement prohibiting harassment, intimidation, or bullying
20 of a student;

21 (b) A definition of harassment, intimidation, or bullying no less
22 inclusive than that in section 2 of this act; and

23 (c) A requirement that parents and guardians of those involved in
24 incidents prohibited under (a) of this subsection be notified.

25 (3) Each school district shall adopt or readopt such a policy and
26 transmit a copy of its policy to the office of the superintendent of
27 public instruction by September 1, 2002.

28 (4) To assist school districts in developing policies for the
29 prevention of harassment, intimidation, or bullying, the office of the
30 superintendent of public instruction shall develop a model policy
31 applicable to grades K-12. This model policy shall be issued no later
32 than December 1, 2001.

33 (5) Notice of the school district's policy shall appear in any
34 publication of the school district that sets forth the comprehensive
35 rules, procedures, and standards of conduct for the school, and in any
36 student handbook.

1 NEW SECTION. **Sec. 4.** A school employee, student, or volunteer,
2 who in good faith promptly reports an incident of harassment,
3 intimidation, or bullying to the appropriate school official designated
4 by the school district's policy, and who makes this report in
5 compliance with the procedures in the district's policy prohibiting
6 bullying, harassment, or intimidation, is immune from a cause of action
7 for damages arising from any failure to remedy the reported incident.

8 NEW SECTION. **Sec. 5.** (1) Schools and school districts are
9 encouraged, but not required, to form bullying prevention task forces,
10 programs, and other initiatives involving school staff, students,
11 administrators, volunteers, parents, law enforcement, and community
12 members.

13 (2) To the extent funds are appropriated for these purposes, each
14 school district shall (a) provide training on the school district's
15 harassment, intimidation, or bullying policies to school employees and
16 volunteers who have significant contact with students, and (b) develop
17 a process for discussing the district's harassment, intimidation, or
18 bullying policy with students.

19 (3) Information regarding the school district policy against
20 harassment, intimidation, or bullying shall be incorporated into each
21 school's current employee training program.

22 NEW SECTION. **Sec. 6.** Sections 2 through 5 of this act shall not
23 be interpreted to prevent a victim from seeking redress under any other
24 available law either civil or criminal. Sections 2 through 6 of this
25 act do not create or alter any tort liability.

26 NEW SECTION. **Sec. 7.** Sections 2 through 6 of this act are each
27 added to chapter 28A.635 RCW.

28 NEW SECTION. **Sec. 8.** If any provision of this act or its
29 application to any person or circumstance is held invalid, the
30 remainder of the act or the application of the provision to other
31 persons or circumstances is not affected.

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