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ENGROSSED SUBSTITUTE SENATE BILL 5849

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State of Washington

59th Legislature

2006 Regular Session

By Senate Committee on Early Learning, K-12 & Higher Education  
(originally sponsored by Senators Kohl-Welles, Schmidt, Pridemore and  
Shin)

READ FIRST TIME 03/02/05.

1 AN ACT Relating to including cyberbullying in school district  
2 harassment prevention policies; and amending RCW 28A.300.285.

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

4 **Sec. 1.** RCW 28A.300.285 and 2002 c 207 s 2 are each amended to  
5 read as follows:

6 (1) By August 1, 2003, each school district shall adopt or amend if  
7 necessary a policy, within the scope of its authority, that prohibits  
8 the harassment, intimidation, or bullying of any student. It is the  
9 responsibility of each school district to share this policy with  
10 parents or guardians, students, volunteers, and school employees.

11 (2) "Harassment, intimidation, or bullying" means any intentional  
12 electronic, written, verbal, or physical act, including but not limited  
13 to one shown to be motivated by any characteristic in RCW 9A.36.080(3),  
14 or other distinguishing characteristics, when the intentional  
15 electronic, written, verbal, or physical act:

16 (a) Physically harms a student or damages the student's property;  
17 or

18 (b) Has the effect of substantially interfering with a student's  
19 education; or

1 (c) Is so severe, persistent, or pervasive that it creates an  
2 intimidating or threatening educational environment; or

3 (d) Has the effect of substantially disrupting the orderly  
4 operation of the school.

5 Nothing in this section requires the affected student to actually  
6 possess a characteristic that is a basis for the harassment,  
7 intimidation, or bullying.

8 (3) The policy should be adopted or amended through a process that  
9 includes representation of parents or guardians, school employees,  
10 volunteers, students, administrators, and community representatives.  
11 It is recommended that each such policy emphasize positive character  
12 traits and values, including the importance of civil and respectful  
13 speech and conduct, and the responsibility of students to comply with  
14 the district's policy prohibiting harassment, intimidation, or  
15 bullying.

16 (4) By August 1, 2002, the superintendent of public instruction, in  
17 consultation with representatives of parents, school personnel, and  
18 other interested parties, shall provide to school districts and  
19 educational service districts a model harassment, intimidation, and  
20 bullying prevention policy and training materials on the components  
21 that should be included in any district policy. Training materials  
22 shall be disseminated in a variety of ways, including workshops and  
23 other staff developmental activities, and through the office of the  
24 superintendent of public instruction's web site, with a link to the  
25 safety center web page. On the web site:

26 (a) The office of the superintendent of public instruction shall  
27 post its model policy, recommended training materials, and  
28 instructional materials;

29 (b) The office of the superintendent of public instruction has the  
30 authority to update with new technologies access to this information in  
31 the safety center, to the extent resources are made available; and

32 (c) Individual school districts shall have direct access to the  
33 safety center web site to post a brief summary of their policies,  
34 programs, partnerships, vendors, and instructional and training  
35 materials, and to provide a link to the school district's web site for  
36 further information.

37 (5) By August 1, 2007, each school district shall amend its  
38 harassment, intimidation, and bullying prevention policy to include a

1 section addressing acts of bullying, harassment, or intimidation that  
2 are conducted via electronic means. The policy shall include a  
3 requirement that materials meant to educate parents and students about  
4 the seriousness of cyberbullying be disseminated to parents or made  
5 available on the school district's web site. The material shall  
6 include information on responsible and safe internet use as well as  
7 what options are available if a student is being bullied via electronic  
8 means, including but not limited to, reporting threats to local police  
9 and when to involve school officials, the internet service provider, or  
10 phone service provider. If a school district has internet use  
11 policies, the act of bullying, harassing, or intimidating another  
12 student via online means shall be included as a prohibited act and be  
13 subject to disciplinary action.

14 (6) As used in this section, "electronic" or "electronic means"  
15 means any communication where there is the transmission of information  
16 by wire, radio, optical cable, electromagnetic, or other similar means.  
17 "Electronic" and "electronic means" include, but are not limited to,  
18 communication via electronic mail, internet-based communications, pager  
19 service, cell phones, and electronic text messaging.

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