
SENATE BILL 5849

State of Washington 59th Legislature 2005 Regular Session

By Senators Kohl-Welles, Schmidt, Pridemore and Shin

Read first time 02/09/2005. Referred to Committee on Early Learning, K-12 & Higher Education.

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, 2006, 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 clarify that acts
3 of bullying, harassment, or intimidation that are conducted via
4 electronic means need not occur during school hours, occur on school
5 property, or involve school computers as long as the incident has an
6 impact on the student or educational environment as described in
7 subsection (2) of this section. If a school district has internet use
8 policies, the act of bullying, harassing, or intimidating another
9 student via online means shall be included as a prohibited act and be
10 subject to disciplinary action.

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

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