

SSB 5288 - H COMM AMD
By Committee on Education

ADOPTED AND ENGROSSED 04/04/2007

1 Strike everything after the enacting clause and insert the
2 following:

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

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

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

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

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

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

21 (d) Has the effect of substantially disrupting the orderly
22 operation of the school.

23 Nothing in this section requires the affected student to actually
24 possess a characteristic that is a basis for the harassment,
25 intimidation, or bullying.

26 (3) The policy should be adopted or amended through a process that
27 includes representation of parents or guardians, school employees,
28 volunteers, students, administrators, and community representatives.
29 It is recommended that each such policy emphasize positive character
30 traits and values, including the importance of civil and respectful

1 speech and conduct, and the responsibility of students to comply with
2 the district's policy prohibiting harassment, intimidation, or
3 bullying.

4 (4) By August 1, 2002, the superintendent of public instruction, in
5 consultation with representatives of parents, school personnel, and
6 other interested parties, shall provide to school districts and
7 educational service districts a model harassment, intimidation, and
8 bullying prevention policy and training materials on the components
9 that should be included in any district policy. Training materials
10 shall be disseminated in a variety of ways, including workshops and
11 other staff developmental activities, and through the office of the
12 superintendent of public instruction's web site, with a link to the
13 safety center web page. On the web site:

14 (a) The office of the superintendent of public instruction shall
15 post its model policy, recommended training materials, and
16 instructional materials;

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

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

25 (5) The Washington state school directors association, with the
26 assistance of the office of the superintendent of public instruction,
27 shall convene an advisory committee to develop a model policy
28 prohibiting acts of harassment, intimidation, or bullying that are
29 conducted via electronic means by a student. In developing the policy,
30 the Washington state school directors association shall review current
31 and ongoing United States and Washington state case law concerning the
32 first amendment rights of students, including but not limited to
33 Frederick v. Morse, 439 F.3d 1114 (9th Cir. 2006), cert. granted, 127
34 S. Ct. 722 (2006). The policy shall include a requirement that
35 materials meant to educate parents and students about the seriousness
36 of cyberbullying be disseminated to parents or made available on the
37 school district's web site. The school directors association and the
38 advisory committee shall develop sample materials for school districts

1 to disseminate, which shall also include information on responsible and
2 safe internet use as well as what options are available if a student is
3 being bullied via electronic means, including but not limited to,
4 reporting threats to local police and when to involve school officials,
5 the internet service provider, or phone service provider. The school
6 directors association shall submit the model policy and sample
7 materials, along with a recommendation for local adoption, to the
8 governor and the legislature and shall post the model policy and sample
9 materials on its web site by January 1, 2008. Each school district
10 board of directors shall establish its own policy by August 1, 2008.

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
14 means."

15 Correct the title.

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