

# HOUSE BILL REPORT

## SSB 5288

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### As Passed House - Amended:

April 4 2007

**Title:** An act relating to including cyberbullying in school district harassment prevention policies.

**Brief Description:** Requiring cyberbullying to be included in school district harassment prevention policies.

**Sponsors:** By Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Kohl-Welles, Murray, McAuliffe, Weinstein, Shin and Rasmussen).

### Brief History:

#### Committee Activity:

Education: 3/15/07, 3/27/07 [DPA].

#### Floor Activity:

Passed House - Amended: 4/4/07, 70-26.

### Brief Summary of Substitute Bill (As Amended by House)

- Revises the definition of harassment, intimidation, and bullying for school district policies to include electronic acts.
- Requires that school district policies on harassment, intimidation, and bullying include a section addressing electronic acts.
- Directs the Washington State School Directors' Association to convene an advisory committee to develop a model policy prohibiting acts of harassment, intimidation, or bullying.

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## HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass as amended. Signed by 8 members: Representatives Quall, Chair; Barlow, Vice Chair; Priest, Ranking Minority Member; Haigh, McDermott, Roach, Santos and P. Sullivan.

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*This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.*

**Minority Report:** Do not pass. Signed by 1 member: Representative Anderson, Assistant Ranking Minority Member.

**Staff:** Andrew Colvin (786-7304).

**Background:**

Legislation passed in 2002 required each school district to adopt a policy prohibiting harassment, intimidation, or bullying of any student. Harassment, intimidation, or bullying includes a written, verbal, or physical act that harms a student or damages a student's property, interferes with a student's education, creates a threatening educational environment, or disrupts operation of the school. Drawing in part on the definition of "malicious harassment" in Washington's criminal code, such acts include, but are not limited to, those motivated by perception of the victim's race, color, religion, ancestry, national origin, gender, sexual orientation, or mental, physical, or sensory handicap.

As required by the legislation, The Office of the Superintendent of Public Instruction (OSPI) developed a model policy and training materials to assist school districts, and made these available on its website and through other means.

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**Summary of Amended Bill:**

The definition of harassment, intimidation, or bullying is expanded to include electronic acts, which include any communication where there is the transmission of information by wire, radio, optical cable, electromagnetic, or other similar means.

The Washington State School Directors' Association (WSSDA), with assistance from the OSPI, shall convene an advisory committee to develop a model policy prohibiting acts of harassment, intimidation, or bullying that are conducted by electronic means. In developing the model policy, the advisory committee must review current and ongoing federal and state case law concerning first amendment rights of students. The advisory committee shall also develop sample materials to educate parents and students about the seriousness of cyberbullying.

By January 1, 2008, the policy and sample materials shall be posted on the WSSDA's website and submitted to the Governor and the Legislature with a recommendation for adoption by school districts. By August 1, 2008, each school district must adopt its own policy.

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**Appropriation:** None.

**Fiscal Note:** Not requested.

**Effective Date of Amended Bill:** The bill takes effect 90 days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:**

(In support) "Cyberbullying" is a growing problem in our schools. The faceless nature of the conduct makes it different from what most of us grew up with in school. The old adage of "sticks and stones" is not as applicable when the harassment can be so instant and anonymous, but yet cause great harm. This bill has been perfected since last year, and now includes a requirement for school districts to provide information to students and parents about cyberbullying. The narrowly tailored scope of the bill is the result of legal concerns involving students' free speech rights, but having a policy and procedures in place will help protect school districts. There are also criminal statutes to address off-campus conduct.

It will always be difficult to walk the line between protecting students from harassment by other students while not infringing on students' free speech rights, but this bill is narrow enough to protect free speech rights.

(In support with concerns) The bill should be further specified to cover only acts using school equipment because schools don't have control over students' personal devices, such as laptops, even when students are at school. The materials should be made available through the OSPI.

There is a potential conflict with HB 1307, that already passed out of the House that could put school districts in a quandary regarding how to apply and enforce the cyberbullying policies mandated by this bill.

(Opposed) None.

**Persons Testifying:** (In support) Senator Kohl-Welles, prime sponsor; Jennifer Shaw, American Civil Liberties Union of Washington; and Jerry Bender, Association of Washington School Principals.

(In support with concerns) Barbara Mertens, Washington Association of School Administrators; and Marcia Fromhold, School District Risk Management Pools.

**Persons Signed In To Testify But Not Testifying:** None.