

SHB 2801 - S COMM AMD

By Committee on Ways & Means

ADOPTED 03/04/2010

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

3 "NEW SECTION. **Sec. 1.** The legislature finds that despite a
4 recognized law prohibiting harassment, intimidation, and bullying of
5 students in public schools and despite widespread adoption of
6 antiharassment policies by school districts, harassment of students
7 continues and has not declined since the law was enacted. Furthermore,
8 students and parents continue to seek assistance against harassment,
9 and schools need to disseminate more widely their antiharassment
10 policies and procedures. The legislature intends to expand the tools,
11 information, and strategies that can be used to combat harassment,
12 intimidation, and bullying of students, and increase awareness of the
13 need for respectful learning communities in all public schools.

14 **Sec. 2.** RCW 28A.300.285 and 2007 c 407 s 1 are each amended to
15 read as follows:

16 (1) By August 1, (~~(2003)~~) 2011, each school district shall adopt or
17 amend if necessary a policy(~~(, within the scope of its authority,)~~) and
18 procedure that at a minimum incorporates the revised model policy and
19 procedure provided under subsection (4) of this section that prohibits
20 the harassment, intimidation, or bullying of any student. It is the
21 responsibility of each school district to share this policy with
22 parents or guardians, students, volunteers, and school employees in
23 accordance with rules adopted by the superintendent of public
24 instruction. Each school district shall designate one person in the
25 district as the primary contact regarding the antiharassment,
26 intimidation, or bullying policy. The primary contact shall receive
27 copies of all formal and informal complaints, have responsibility for
28 assuring the implementation of the policy and procedure, and serve as

1 the primary contact on the policy and procedures between the school
2 district, the office of the education ombudsman, and the office of the
3 superintendent of public instruction.

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

9 (a) Physically harms a student or damages the student's property;
10 or

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

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

15 (d) Has the effect of substantially disrupting the orderly
16 operation of the school.

17 Nothing in this section requires the affected student to actually
18 possess a characteristic that is a basis for the harassment,
19 intimidation, or bullying.

20 (3) The policy and procedure should be adopted or amended through
21 a process that includes representation of parents or guardians, school
22 employees, volunteers, students, administrators, and community
23 representatives. It is recommended that each such policy emphasize
24 positive character traits and values, including the importance of civil
25 and respectful speech and conduct, and the responsibility of students
26 to comply with the district's policy prohibiting harassment,
27 intimidation, or bullying.

28 (4)(a) By August 1, ((2002)) 2010, the superintendent of public
29 instruction, in consultation with representatives of parents, school
30 personnel, the office of the education ombudsman, the Washington state
31 school directors' association, and other interested parties, shall
32 provide to ((school districts and educational service districts a)) the
33 education committees of the legislature a revised and updated model
34 harassment, intimidation, and bullying prevention policy and procedure.
35 The superintendent of public instruction shall publish on its web site,
36 with a link to the safety center web page, the revised and updated
37 model harassment, intimidation, and bullying prevention policy and
38 procedure, along with training and instructional materials on the

1 components that (~~should~~) shall be included in any district policy and
2 procedure. The superintendent shall adopt rules regarding school
3 districts' communication of the policy and procedure to parents,
4 students, employees, and volunteers. (~~Training materials shall be~~
5 ~~disseminated in a variety of ways, including workshops and other staff~~
6 ~~developmental activities, and through the office of the superintendent~~
7 ~~of public instruction's web site, with a link to the safety center web~~
8 ~~page. On the web site:~~

9 (a) ~~The office of the superintendent of public instruction shall~~
10 ~~post its model policy, recommended training materials, and~~
11 ~~instructional materials;~~)

12 (b) The office of the superintendent of public instruction has the
13 authority to update with new technologies access to this information in
14 the safety center, to the extent resources are made available(~~(and)~~).

15 (c) (~~Individual school districts shall have direct access to the~~
16 ~~safety center web site to post a brief summary of their policies,~~
17 ~~programs, partnerships, vendors, and instructional and training~~
18 ~~materials, and to provide a link to the school district's web site for~~
19 ~~further information.)) Each school district shall by August 15, 2011,
20 provide to the superintendent of public instruction a brief summary of
21 its policies, procedures, programs, partnerships, vendors, and
22 instructional and training materials to be posted on the school safety
23 center web site, and shall also provide the superintendent with a link
24 to the school district's web site for further information. The
25 district's primary contact for bullying and harassment issues shall
26 annually by August 15th verify posted information and links and notify
27 the school safety center of any updates or changes.~~

28 (5) The Washington state school directors association, with the
29 assistance of the office of the superintendent of public instruction,
30 shall convene an advisory committee to develop a model policy
31 prohibiting acts of harassment, intimidation, or bullying that are
32 conducted via electronic means by a student while on school grounds and
33 during the school day. The policy shall include a requirement that
34 materials meant to educate parents and students about the seriousness
35 of cyberbullying be disseminated to parents or made available on the
36 school district's web site. The school directors association and the
37 advisory committee shall develop sample materials for school districts
38 to disseminate, which shall also include information on responsible and

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

10 (6) As used in this section, "electronic" or "electronic means"
11 means any communication where there is the transmission of information
12 by wire, radio, optical cable, electromagnetic, or other similar means.

13 NEW SECTION. **Sec. 3.** A new section is added to chapter 43.06B RCW
14 to read as follows:

15 In addition to duties assigned under RCW 43.06B.020, the office of
16 the education ombudsman shall serve as the lead agency to provide
17 resources and tools to parents and families about public school
18 antiharassment policies and strategies."

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19 On page 1, line 1 of the title, after "schools;" strike the
20 remainder of the title and insert "amending RCW 28A.300.285; adding a
21 new section to chapter 43.06B RCW; and creating a new section."

EFFECT: Includes the Washington State School Directors'
Association as one of the parties consulted in developing an updated
model policy and procedure. Removes the language that directed OSPI to
provide school districts and Educational Service Districts with the
updated model policy and training materials, if the Legislature takes

no action during the 2011 legislative session. Removes the language that required training materials to be disseminated in a variety of ways. Requires OSPI to provide on its safety center web page the updated model policy and procedure, along with training and instructional materials. Requires school districts to provide OSPI with a brief summary of their policies, procedures, and other related information for OSPI to post on the school safety center web site.

Eliminates the ongoing work group convened by the office of the education ombudsman and the superintendent of public instruction, and including representation by two Senators, two Representatives, Washington state parent teacher association, school directors, administrators, classified staff, and others.

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