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**SUBSTITUTE HOUSE BILL 2801**

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**State of Washington**

**61st Legislature**

**2010 Regular Session**

**By** House Education (originally sponsored by Representatives Lias, Johnson, Pedersen, Hunt, Orwall, Maxwell, Quall, Moeller, Chase, Williams, Nelson, and Simpson)

READ FIRST TIME 01/28/10.

1       AN ACT Relating to antiharassment strategies in public schools;  
2 amending RCW 28A.300.285; adding a new section to chapter 43.06B RCW;  
3 and creating a new section.

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

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

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

18       (1) By August 1, (~~(2003)~~) 2011, each school district shall adopt or

1 amend if necessary a policy(~~(, within the scope of its authority,))~~ and  
2 procedure that at a minimum incorporates the revised model policy and  
3 procedure provided under subsection (4) of this section that prohibits  
4 the harassment, intimidation, or bullying of any student. It is the  
5 responsibility of each school district to share this policy with  
6 parents or guardians, students, volunteers, and school employees in  
7 accordance with rules adopted by the superintendent of public  
8 instruction. Each school district shall designate one person in the  
9 district as the primary contact regarding the antiharassment,  
10 intimidation, or bullying policy. The primary contact shall receive  
11 copies of all formal and informal complaints, have responsibility for  
12 assuring the implementation of the policy and procedure, and serve as  
13 the primary contact on the policy and procedures between the school  
14 district, the office of the education ombudsman, and the office of the  
15 superintendent of public instruction.

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

21 (a) Physically harms a student or damages the student's property;  
22 or

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

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

27 (d) Has the effect of substantially disrupting the orderly  
28 operation of the school.

29 Nothing in this section requires the affected student to actually  
30 possess a characteristic that is a basis for the harassment,  
31 intimidation, or bullying.

32 (3) The policy and procedure should be adopted or amended through  
33 a process that includes representation of parents or guardians, school  
34 employees, volunteers, students, administrators, and community  
35 representatives. It is recommended that each such policy emphasize  
36 positive character traits and values, including the importance of civil  
37 and respectful speech and conduct, and the responsibility of students

1 to comply with the district's policy prohibiting harassment,  
2 intimidation, or bullying.

3 (4)(a) By August 1, ((2002)) 2010, the superintendent of public  
4 instruction, in consultation with representatives of parents, school  
5 personnel, the office of the education ombudsman, and other interested  
6 parties, shall provide to the education committees of the legislature  
7 a revised and updated model harassment, intimidation, and bullying  
8 prevention policy and procedure. If the legislature takes no action  
9 during the 2011 legislative session regarding the policy and procedure,  
10 the superintendent of public instruction shall provide to school  
11 districts and educational service districts ((a)) the revised and  
12 updated model harassment, intimidation, and bullying prevention policy  
13 and procedure, along with training materials on the components that  
14 ((should)) must be included in any district policy and procedure. The  
15 superintendent shall adopt rules regarding school districts'  
16 communication of the policy and procedure to parents, students,  
17 employees, and volunteers. Training materials shall be disseminated in  
18 a variety of ways, including workshops and other staff developmental  
19 activities, and through the office of the superintendent of public  
20 instruction's web site, with a link to the safety center web page.  
21 ((On the web site:

22 ((a)) (b) The office of the superintendent of public instruction  
23 shall post its model policy and procedure, recommended training  
24 materials, and instructional materials((+)) on the web site.

25 ((b)) (c) The office of the superintendent of public instruction  
26 has the authority to update with new technologies access to this  
27 information in the safety center, to the extent resources are made  
28 available((+and)).

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

34 (5) The Washington state school directors association, with the  
35 assistance of the office of the superintendent of public instruction,  
36 shall convene an advisory committee to develop a model policy  
37 prohibiting acts of harassment, intimidation, or bullying that are  
38 conducted via electronic means by a student while on school grounds and

1 during the school day. The policy shall include a requirement that  
2 materials meant to educate parents and students about the seriousness  
3 of cyberbullying be disseminated to parents or made available on the  
4 school district's web site. The school directors association and the  
5 advisory committee shall develop sample materials for school districts  
6 to disseminate, which shall also include information on responsible and  
7 safe internet use as well as what options are available if a student is  
8 being bullied via electronic means, including but not limited to,  
9 reporting threats to local police and when to involve school officials,  
10 the internet service provider, or phone service provider. The school  
11 directors association shall submit the model policy and sample  
12 materials, along with a recommendation for local adoption, to the  
13 governor and the legislature and shall post the model policy and sample  
14 materials on its web site by January 1, 2008. Each school district  
15 board of directors shall establish its own policy by August 1, 2008.

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

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

21 (1) In addition to duties assigned under RCW 43.06B.020, the office  
22 of the education ombudsman shall serve as the lead agency to provide  
23 resources and tools to parents and families about public school  
24 antiharassment policies and strategies.

25 (2)(a) The office of the education ombudsman and the office of the  
26 superintendent of public instruction shall convene an ongoing  
27 antiharassment work group to develop, recommend, and implement  
28 strategies to improve school climate and create respectful learning  
29 environments in all public schools in Washington. The work group  
30 shall:

31 (i) Consider whether additional disaggregated data should be  
32 collected regarding incidents of harassment or disciplinary actions;

33 (ii) Examine possible procedures for anonymous reporting of  
34 incidents;

35 (iii) Identify curriculum and best practices for school districts  
36 to improve school climate and create respectful learning environments;

1 (iv) Recommend best practices for informing parents about the  
2 antiharassment policy and procedure and involving parents in improving  
3 school climate; and

4 (v) Recommend training for district personnel who are designated as  
5 the primary contact regarding the policy and procedure.

6 (b) The work group must include two members each of the house of  
7 representatives and the senate and representatives from the state board  
8 of education, the Washington state parent teacher association, school  
9 directors, school administrators, principals, teachers, classified  
10 school staff, youth, community organizations, and parents. The work  
11 group shall submit a biennial progress and status report to the  
12 governor and the education committees of the legislature, beginning  
13 December 1, 2011.

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