
HOUSE BILL 2801

State of Washington

61st Legislature

2010 Regular Session

By Representatives Lias, Johnson, Pedersen, Hunt, Orwall, Maxwell, Quall, Moeller, Chase, Williams, Nelson, and Simpson

Read first time 01/14/10. Referred to Committee on Education.

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 policy.
10 The primary contact shall receive copies of all complaints, have
11 responsibility for assuring the implementation of the antiharassment
12 policy and procedure, and serve as the primary contact on the policy
13 and procedures between the school district, the office of the education
14 ombudsman, and the office of the superintendent of public instruction.

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

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

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

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

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

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

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

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

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

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

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

32 (5) The Washington state school directors association, with the
33 assistance of the office of the superintendent of public instruction,
34 shall convene an advisory committee to develop a model policy
35 prohibiting acts of harassment, intimidation, or bullying that are
36 conducted via electronic means by a student while on school grounds and
37 during the school day. The policy shall include a requirement that
38 materials meant to educate parents and students about the seriousness

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

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

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

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

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

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

31 (ii) Examine possible procedures for anonymous reporting of
32 incidents;

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

35 (iv) Recommend best practices for informing parents about the
36 antiharassment policy and procedure and involving parents in improving
37 school climate; and

1 (v) Recommend training for district personnel who are designated as
2 the primary contact regarding the policy and procedure.
3 (b) The work group must include two members each of the house of
4 representatives and the senate and representatives from the state board
5 of education, the Washington state parent teacher association, school
6 directors, school administrators, principals, teachers, classified
7 school staff, youth, community organizations, and parents. The work
8 group shall submit a biennial progress and status report to the
9 governor and the education committees of the legislature, beginning
10 December 1, 2011.

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