

# HOUSE BILL REPORT

## 2SHB 1163

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### As Amended by the Senate

**Title:** An act relating to harassment, intimidation, and bullying prevention.

**Brief Description:** Creating a work group on preventing bullying, intimidation, and harassment and increasing student knowledge on mental health and youth suicide.

**Sponsors:** House Committee on Education Appropriations & Oversight (originally sponsored by Representatives Lias, Johnson, Maxwell, Santos, Sullivan, Walsh, Orwall, Moeller, Van De Wege, Pedersen, McCoy, Ladenburg, Goodman, Hunt, Jinkins, Reykdal, Ormsby, Sells, Frockt, Upthegrove, Kagi, Blake, Fitzgibbon, Kenney, Stanford, Ryu, Miloscia, Carlyle, Pettigrew, Moscoso, Probst, Seaquist, Finn, Roberts, Appleton, Billig, Hasegawa, Clibborn, Hurst, Hudgins, Jacks, Dunshee, Green, Tharinger, Darneille and Rolfes).

### Brief History:

#### Committee Activity:

Education: 2/10/11, 2/11/11 [DPS];

Education Appropriations & Oversight: 2/17/11, 2/18/11 [DP2S(w/o sub ED)].

#### Floor Activity:

Passed House: 3/2/11, 76-21.

Senate Amended.

Passed Senate: 4/4/11, 41-6.

### Brief Summary of Second Substitute Bill

- Requires the Office of the Superintendent of the Public Instruction and the Office of the Education Ombudsman to establish an ongoing workgroup regarding prevention of bullying, intimidation, and harassment in public schools.
- Specifies issues for the workgroup to examine and requires a biennial report.
- Directs the State Board for Community and Technical Colleges and the Higher Education Coordinating Board to compile and analyze bullying and harassment prevention policies at colleges and universities and submit a report by December 1, 2011.
- Includes mental health and suicide prevention education in classroom-based assessments of health and fitness learning standards.

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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.*

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## HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 13 members: Representatives Santos, Chair; Lytton, Vice Chair; Dammeier, Ranking Minority Member; Billig, Finn, Haigh, Hunt, Ladenburg, Lias, Maxwell, McCoy, Probst and Wilcox.

**Minority Report:** Without recommendation. Signed by 7 members: Representatives Ahern, Angel, Dahlquist, Fagan, Hargrove, Klippert and Kretz.

**Staff:** Barbara McLain (786-7383).

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## HOUSE COMMITTEE ON EDUCATION APPROPRIATIONS & OVERSIGHT

**Majority Report:** The second substitute bill be substituted therefor and the second substitute bill do pass and do not pass the substitute bill by Committee on Education. Signed by 13 members: Representatives Haigh, Chair; Probst, Vice Chair; Anderson, Ranking Minority Member; Dammeier, Assistant Ranking Minority Member; Frockt, Hope, Maxwell, Orwall, Rolfes, Santos, Seaquist, Sells and Stanford.

**Minority Report:** Do not pass. Signed by 5 members: Representatives Dahlquist, Fagan, Hargrove, Nealey and Short.

**Staff:** Ben Rarick (786-7349).

### **Background:**

*Harassment, Intimidation, and Bullying.* Since 2003 school districts have been required to maintain a district policy prohibiting harassment, intimidation, and bullying of any student. The Office of the Superintendent of Public Instruction (OSPI) developed a model prevention policy and training materials to assist school districts.

In 2010 legislation was enacted requiring the OSPI to revise and update the model policy, create a model procedure, and adopt rules regarding communication to parents, students, and employees. The 2010 law requires school districts to amend their policies by August 1, 2011, to at a minimum, incorporate the new OSPI policy and procedure. School districts must also designate a primary contact person in the district for their policies and procedures. The Office of the Education Ombudsman (OEO) is designated as the lead agency to provide resources and tools to parents and families about anti-harassment policies and strategies.

The OSPI convened a workgroup of stakeholders to assist in developing the new model policy and procedure. In November 2010 the OSPI conveyed the new policy and procedures to the Education Committees of the Legislature, and included the following additional recommendations from the workgroup:

1. A continuing state-level anti-bullying workgroup is needed to advise the Legislature on the next steps in addressing bullying.
2. Training is needed for all school staff and should be required where resources permit.

3. School districts should periodically analyze their data on harassment, intimidation, and bullying and remediate where there are high incidents of bullying.
4. Funding should be provided to assist districts with training, data collection, best practices, and additional personnel to monitor areas with low supervision.

*Health and Fitness Standards.* The OSPI has developed the Essential Academic Learning Requirements (EALRs) for health and fitness that require students to gain knowledge and skills in:

- movement, physical fitness, and nutrition;
- dimensions of health, stages of growth and development, reduced health risks, and promotion of safe living;
- analysis and evaluation of the impact of real-life influences on health; and
- analysis of personal information to develop an individualized fitness plan.

These EALRs serve as umbrella concepts. There are more detailed grade level expectations to provide further specificity for each grade level. School districts make curriculum decisions and determine what materials are used to provide health and fitness instruction. School districts must have classroom-based assessments or other strategies in place for elementary, middle, and high school to assure that students have an opportunity to learn health and fitness.

Parents of students who have been bullied or harassed often testify that their children become depressed and sometimes suicidal as a result of their experiences.

### **Summary of Second Substitute Bill:**

The OSPI and the OEO convene an ongoing school bullying and harassment prevention workgroup to develop, recommend, and implement strategies to improve school climate and create respectful learning environments in public schools. The Superintendent of Public Instruction or a designee serves as Chair. The workgroup must:

- consider whether additional disaggregated data on incidents of bullying and harassment should be collected and make recommendations to the OSPI on data collection;
- examine procedures for anonymous reporting of incidents;
- identify curriculum and best practices for improving school climate; incorporating instruction about mental health, youth suicide prevention, and prevention of bullying and harassment; and training staff and students in de-escalation techniques;
- recommend best practices for informing and involving parents;
- recommend training for school district primary contacts;
- recommend pre-service training for educators;
- examine and recommend policies for discipline of students and staff; and
- in collaboration with the State Board for Community and Technical Colleges (SBCTC), examine and recommend policies to protect K-12 students attending community and technical colleges from bullying and harassment.

The workgroup includes representatives from the State Board of Education, the Washington State Parent-Teacher Association, school directors and administrators, school staff, youth, community organizations, and parents. Two members of the House of Representatives and

two members of the Senate are also on the workgroup. A biennial report is required beginning December 1, 2011.

The SBCTC and the Higher Education Coordinating Board must compile and analyze college and university policies and procedures regarding harassment, intimidation, and bullying prevention. Each must submit a report to the Education and Higher Education Committees of the Legislature with recommendations for improvement by December 1, 2011.

Beginning July 1, 2012, issues of mental health and suicide prevention education are included in health and fitness learning standards for purposes of classroom based assessments.

**EFFECT OF SENATE AMENDMENT(S):**

The working group on school bullying and harassment prevention ends January 1, 2016, rather than being ongoing. The Office of the Superintendent of Public Instruction is directed to work with state agency and community partners to develop pilot projects to assist schools in implementing youth suicide prevention activities. The reports from the State Board for Community and Technical Colleges and the Higher Education Coordinating Board on college and university policies and procedures must include whether additional disaggregated data should be collected on incidents of bullying and harassment; recommendations on training for personnel who are designated as primary contacts; and recommendations for policies for disciplining students and staff who harass, intimidate, or bully.

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date:** The bill takes effect 90 days after adjournment of the session in which the bill is passed, except section 4, relating to adding mental health and suicide prevention education to classroom based assessments, which takes effect July 1, 2012.

**Staff Summary of Public Testimony (Education):**

(In support) Last year legislation was passed requiring an update to the model policy and procedure. The top recommendation of the workgroup that developed the revisions was that there is a lot of work remaining. There are continued examples of bullying across the state and across the nation. Students deserve to go to school in safe places, and we must continue to work on this over time. There are examples of children being bullied daily at school, which led them to become suicidal, and some have committed suicide. These students were students with disabilities or students who were harassed due to their sexual orientation. Too often the school administration does nothing, not even admitting that the students were bullied. Schools must become safe places where every family can belong, every teacher can teach, and every child is protected. Some people in schools do great work to keep our children safe, but others do not. Sometimes it is because they do not know how, they have not been trained, or they do not know if they will be supported if they step in.

The United States Department of Education finds that unsafe environments trigger possible claims of discrimination under civil rights laws. There are state laws about bullying and harassment, but the structures and safeguards to protect kids are deeply flawed. Too many schools have a culture of inaction or omission. Parents have had to push school districts to create these types of workgroups at the district level. They have policies, but they are not doing anything. A state workgroup is needed to keep focus. A survey of the state's youth indicates that 55 percent of youth believe bullying is the leading cause of violence in schools. This bill would raise awareness and improve efforts to eliminate bullying.

Counselors see a continual increase in their caseload. Policies and procedures are needed to help. Cyber-bullying is a big issue. Research indicates that cyber-bullying leads to decreased self esteem, and also contributes to stealing, shoplifting, smoking, and drinking. Cyber-bullying is anonymous, so the perpetrators are bold. There is an inability for the victim to identify the perpetrator, and they become increasingly paranoid and fearful.

(Opposed) None.

**Staff Summary of Public Testimony** (Education Appropriations & Oversight):

(In support) The Legislature is loathe to create workgroups, but in this case the first recommendation from the group of people who developed the revised policy and procedure was that more work needs to be done. In recognition of the current financial situation in school districts, the substitute bill delays adaptation of the classroom based assessments until July 2012. There are community groups specializing in mental health and youth suicide prevention that have available curriculum and can assist school districts.

Bullying continues to be pervasive in schools, despite the legislation enacted last year. Bullying prevention must be funded. Teachers do not have the training to address these issues in schools. Bullied students are afraid to go into the halls, to the lunchroom, or out to the playground. It is frustrating when there are no consequences for bullies and students do not feel safe. Parents see the impact of a well-enforced program where there are consistent and supportive messages to students. Having kids feel that they are in a safe environment is the only way for them to grow and learn.

The cost of this bill is smaller than the cost of a lawsuit from the parent of a bullied child. There are ways to bring the cost of the fiscal note down by working with community groups. The myth must be dispelled that bullying is a rite of passage or an inevitable part of growing up. This workgroup would allow for continued focus on solutions. It is worth spending money on prevention.

(Opposed) None.

**Persons Testifying** (Education): Representative Liias, prime sponsor; Cecilia Icenogle; Gabi Clayton; John Paul Chaisson-Cardenas, Washington Community Action Network; Diana Stadden, The ARC of Washington; Kelsey Leeper, Legislative Youth Advisory Council; Jenny Morgan, Washington School Counselor Association; and Vamsi Chunduru, Capital High School.

**Persons Testifying** (Education Appropriations & Oversight): Representative Lias, prime sponsor; John Wheeler III, Washington Student Association; Jens Crosier; Kim Wheeler, Parent-Teacher Association of Waller Road Elementary; Diana Stadden, The Arc of Washington State; Lonnie Johns-Brown, Safe Schools; Iris Maute-Gibson, Washington Student Association-Western Washington University; Anthony Flinn, Eastern Washington University Council of Faculty; and Ramona Hattendorf, Washington State Parent-Teacher Association.

**Persons Signed In To Testify But Not Testifying** (Education): (In support) Jeff Soder, Office of the Superintendent of Public Instruction; John Wheeler II, Iris Maute-Gibson, and Quin Majeshi, Associated Students of the University of Washington Tacoma; and Ramona Hattendorf, Washington State Parent Teacher Association.

**Persons Signed In To Testify But Not Testifying** (Education Appropriations & Oversight): None.