

SENATE BILL REPORT

SB 6439

As Reported by Senate Committee On:
Early Learning & K-12 Education, February 6, 2014

Title: An act relating to preventing harassment, intimidation, and bullying in public schools.

Brief Description: Concerning preventing harassment, intimidation, and bullying in public schools.

Sponsors: Senators Liias, Litzow, McAuliffe, Billig, Kohl-Welles, Keiser, Pedersen, Mullet, Rolfes, Cleveland, Fraser and Frockt.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/03/14, 2/06/14 [DPS].

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Majority Report: That Substitute Senate Bill No. 6439 be substituted therefor, and the substitute bill do pass.

Signed by Senators Litzow, Chair; Dammeier, Vice Chair; McAuliffe, Ranking Member; Rolfes, Assistant Ranking Member; Billig, Cleveland, Fain, Hill and Mullet.

Staff: Katherine Taylor (786-7434)

Background: Each school district must designate one person in the school district as the primary contact regarding the antiharassment, intimidation, or bullying policy. The primary contact must receive copies of all formal and informal complaints, have responsibility for assuring the implementation of the policy and procedure, and serve as the primary contact on the policy and procedures between the school district and the Office of the Education Ombuds, and the Office of Superintendent of Public Instruction (OSPI).

OSPI is the primary agency charged with overseeing K-12 public education in Washington State. OSPI works with the state's 295 school districts.

Currently harassment, intimidation, or bullying is defined in statute as any intentional electronic, written, verbal, or physical act, including but not limited to one shown to be motivated by a certain characteristic or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act:

- physically harms a student or damages the student's property;

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.

- has the effect of substantially interfering with a student's education;
- is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
- has the effect of substantially disrupting the orderly operation of the school.

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

A Health Impact Review of this bill has been received and is available at <http://sboh.wa.gov/OurWork/HealthImpactReviews.aspx>.

Summary of Bill (Recommended Substitute): The primary contact for antiharassment, intimidation, cyberbullying, or bullying policy from each school district must attend at least one training class, once the training is available.

The definition of harassment, intimidation, or bullying is amended to include emotional harm of a student.

By December 31, 2014, educational service districts must develop a training class for those people in each of their school districts who act as the primary contact regarding the antiharassment, intimidation, cyberbullying, or bullying policy. The training must be based on, among other things, preexisting resources, trainings, and videos provided on OSPI's website.

The Washington State School Director's Association (WSSDA) must update its model policy prohibiting acts of harassment, intimidation, or bullying that are conducted via electronic means, also known as cyberbullying. The most up-to-date model policy must be made available in all school districts' student handbooks. WSSDA must update sample materials for school districts to disseminate, which must also include information on responsible and safe internet use.

WSSDA must submit the model policy and sample materials, along with a recommendation for local adoption, to the Governor and the Legislature and must post the model policy and sample materials on its website by January 1, 2015. Each school district board of directors must update its own policy by August 1, 2015.

The Office of Education Ombuds and other organizations with expertise on the civil liberties of students are added to consult with WSSDA when WSSDA updates its model policy on harassment, intimidation, cyberbullying, and bullying. The updated model policy must provide guidance to school districts on how to enforce cyberbullying policies without violating privacy, free speech, and other rights of students.

EFFECT OF CHANGES MADE BY EARLY LEARNING & K-12 EDUCATION COMMITTEE (Recommended Substitute): Adds the underlying portions of SB 6112 on cyberbullying to the bill but removes WSSDA's responsibility to identify and make available strategies for students to prevent cyberbullying. Shifts the responsibility for designing training classes from OSPI to the educational service districts. Requires the training class to

be based on, among other things, preexisting resources, trainings, and videos provided on OSPI's website.

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Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony on Original Bill: CON: I do not have an objection to the training component. I am concerned with freedom of speech issues involved in expanding the definition of bullying to include emotional harm. Emotional harm is subjective.

Persons Testifying: CON: Rebecca Faust, citizen.