

SENATE BILL REPORT

SB 5517

As of February 4, 2015

Title: An act relating to sexual harassment prevention and response through policies and training in schools.

Brief Description: Concerning sexual harassment prevention and response through policies and training in schools.

Sponsors: Senators Kohl-Welles, Litzow, McAuliffe, Rolfes, Keiser and Hasegawa.

Brief History:

Committee Activity: Early Learning & K-12 Education: 2/02/15.

SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

Staff: Ailey Kato (786-7434)

Background: Federal Law. Title IX of the Education Amendments of 1972 prohibits discrimination based on sex in education programs and activities that receive federal financial assistance. The U.S. Department of Education gives grants of financial assistance to schools and colleges. The Title IX regulation describes the conduct that violates this federal law. Sexual harassment is one type of discrimination that is covered under Title IX.

Washington Law. Current law defines sexual harassment as unwelcome sexual advances, requests for sexual favors, sexually motivated physical contact, or other verbal or physical conduct or communication of a sexual nature if:

- submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining an education or employment;
- submission to or rejection of that conduct or communication by an individual is used as a factor in decisions affecting that individual's education or employment; or
- that conduct or communication has the purpose or effect of substantially interfering with an individual's educational or work performance, or of creating an intimidating, hostile, or offensive educational or work environment.

Current law requires every school district to adopt and implement a written policy concerning sexual harassment. The sexual harassment policy must be conspicuously posted throughout each school building and provided to each employee. It also requires that the

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policy appear in any publication of the school or school district setting forth rules, regulations, procedures, and standards of conduct for the school or school district.

Current law requires that each school develop a process for discussing the district's sexual harassment policy. This process must ensure the discussion addresses the definition of sexual harassment and issues covered in the sexual harassment policy.

Summary of Bill: Sexual Harassment Policies. A school district's sexual harassment policy must be in clearly understandable language. It must be provided to the following:

- administrators, certificated staff, and classified staff; and
- parents or guardians, as well as students in secondary schools.

A copy of the policy must appear in any student handbook. It must identify how a complaint can be filed, including the employee or employees responsible for receiving complaints.

Upon hiring, administrators, certificated staff, and classified staff must sign a statement of receipt and agreement with the sexual harassment policy.

Annual Training. Each school district must provide annual training to all administrators, certificated staff, and classified staff on their respective responsibilities under state law and Title IX. The annual training must also include training on topics including, but not limited to the following:

- the prevalence of sexual harassment,
- indicators of sexual harassment,
- offender patterns,
- the impact of sexual harassment on child development,
- complaint procedures, and
- the employee or employees responsible for receiving complaints.

This training may be incorporated within other annual training.

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: PRO: Sexual abuse by school personnel against a student unfortunately occurs. Sexual abuse destroys children's lives. There are often signs like grooming, but no action is taken. School staff are not aware of Title IX and that it addresses sexual harassment. Students and parents are not aware that they can file a complaint with a compliance officer. This bill ensures the safety and wellbeing of students in schools by informing parents and students about their rights. This bill should include sexual abuse in the plan for recognition, initial screening, and response to emotional or behavioral distress in students. This bill provides that sexual harassment policies must be in clearly understandable language, but this term is vague. What is clearly understandable to certain

groups is not for other groups. The burden should be on the school teacher or school to prove that the sexual harassment occurred. The burden should not be on the parent or student.

OTHER: School districts should conduct sexual harassment training on a regular basis because it is easy to forget. The bill should remove the language that new employees need to agree with policies. It does not matter if new employees agree with the policies.

Persons Testifying: PRO: Senator Kohl-Welles, prime sponsor; Melanie Smith, Committee for Children; Jerry Bender, Assn. of WA School Principals; Richard Eymann, citizen.

OTHER: Lucinda Young, WA Education Assn.