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**SUBSTITUTE SENATE BILL 5766**

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**State of Washington 65th Legislature 2018 Regular Session**

**By** Senate Early Learning & K-12 Education (originally sponsored by Senators Liias, Pedersen, Billig, Fain, Hunt, Keiser, Kuderer, and Saldaña)

AN ACT Relating to preventing harassment, intimidation, bullying, and discrimination in public schools; amending RCW 28A.300.285; and adding a new section to chapter 28A.642 RCW.

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

**Sec.**  RCW 28A.300.285 and 2013 c 23 s 50 are each amended to read as follows:

(1) By August 1, 2011, each school district shall adopt or amend if necessary a policy and procedure that at a minimum incorporates the revised model policy and procedure provided under subsection (4) of this section that prohibits the harassment, intimidation, or bullying of any student. It is the responsibility of each school district to share this policy with parents or guardians, students, volunteers, and school employees in accordance with rules adopted by the superintendent of public instruction. Each school district shall designate one person in the district as the primary contact regarding the antiharassment, intimidation, or bullying policy. This person may also serve as the primary contact identified in section 2 of this act. The primary contact shall receive copies of all formal and informal complaints, have responsibility for ((~~assuring~~)) ensuring the implementation of the policy and procedure, and serve as the primary contact on the policy and procedures between the school district, the office of the education ombuds, and the office of the superintendent of public instruction. The primary contact from each school district shall attend at least one training class as provided in subsection (6) of this section, once this training is available.

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

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

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

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

(d) 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.

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

(4)(a) By August 1, 2010, and periodically thereafter, the superintendent of public instruction, in consultation with representatives of parents, school personnel, the office of the education ombuds, the Washington state school directors' association, and other interested parties, shall provide to the education committees of the legislature a revised and updated model harassment, intimidation, and bullying prevention policy and procedure. The superintendent of public instruction shall publish on its web site, with a link to the safety center web page, the revised and updated model harassment, intimidation, and bullying prevention policy and procedure, along with training and instructional materials on the components that shall be included in any district policy and procedure. The superintendent shall adopt rules regarding school districts' communication of the policy and procedure to parents, students, employees, and volunteers.

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

(c) Each school district shall by August 15, 2011, provide to the superintendent of public instruction a brief summary of its policies, procedures, programs, partnerships, vendors, and instructional and training materials to be posted on the school safety center web site, and shall also provide the superintendent with a link to the school district's web site for further information. The district's primary contact for bullying and harassment issues shall annually by August 15th verify posted information and links and notify the school safety center of any updates or changes.

(5) The Washington state school directors' association, with the assistance of the office of the superintendent of public instruction, shall convene an advisory committee to develop a model policy prohibiting acts of harassment, intimidation, or bullying that are conducted via electronic means by a student while on school grounds and during the school day. The policy shall include a requirement that materials meant to educate parents and students about the seriousness of cyberbullying be disseminated to parents or made available on the school district's web site. The school directors' association and the advisory committee shall develop sample materials for school districts to disseminate, which shall also include information on responsible and safe internet use as well as what options are available if a student is being bullied via electronic means including, but not limited to, reporting threats to local police and when to involve school officials, the internet service provider, or phone service provider. The school directors' association shall submit the model policy and sample materials, along with a recommendation for local adoption, to the governor and the legislature and shall post the model policy and sample materials on its web site by January 1, 2008. Each school district board of directors shall establish its own policy by August 1, 2008.

(6) By December 31, 2018, the office of the superintendent of public instruction must develop a statewide training class for those people in each school district who act as the primary contact regarding the antiharassment, intimidation, or bullying policy as provided in subsection (1) of this section. The training class must be offered on an annual basis by educational service districts in collaboration with the office of the superintendent of public instruction. The training class must be based on the model policy as provided in subsection (1) of this section and include materials related to hazing and the Washington state school directors' association model transgender student policy and procedure as provided in section 2(1) of this act.

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

NEW SECTION. **Sec.**  A new section is added to chapter 28A.642 RCW to read as follows:

(1)(a) By August 1, 2018, each school district shall adopt or amend, if necessary, a transgender student policy and procedure. The policy must include provisions addressing discriminatory harassment of transgender students, and must incorporate the following at a minimum:

(i) The model transgender student policy and procedure created by the Washington state school directors' association; and

(ii) The rules and guidelines developed by the superintendent of public instruction under RCW 28A.642.020 to eliminate discrimination in Washington public schools on the basis of gender identity and expression.

(b) It is the responsibility of each school district to share this policy with parents or guardians, students, volunteers, and school employees in accordance with rules adopted by the superintendent of public instruction.

(c) Each school district shall designate one person in the district as the primary contact regarding the transgender student policy. This person may also serve as the primary contact identified in RCW 28A.300.285(1). In addition to any other duties required by law and the school district, the primary contact shall receive copies of all formal and informal complaints, have responsibility for ensuring the implementation of the district's transgender student policy and procedure, and serve as the primary contact on the policy and procedures between the school district and the office of the superintendent of public instruction. The primary contact from each school district shall attend at least one training class as provided in subsection (3) of this section, once this training is available.

(2) Each school district shall by August 15, 2018, provide to the office of the superintendent of public instruction its policies and procedures relating to transgender students, and shall also provide a link to the school district's web site for further information. The district's primary contact for transgender student issues shall annually by August 15th notify the office of the superintendent of public instruction of any updates or changes to the policies or procedures.

(3) By December 31, 2018, the office of the superintendent of public instruction must develop a statewide training class for those people in each school district who act as the primary contact regarding the transgender student policy as provided in subsection (1) of this section. The training class must be offered on an annual basis by educational service districts in collaboration with the office of the superintendent of public instruction. The training class must be based on the Washington state school directors' association model transgender student policy and the superintendent of public instruction's rules and guidance as provided in subsection (1) of this section.

(4) The office of the superintendent of public instruction, in collaboration with the department of health and the department of social and health services, shall review and align the questions in the healthy youth survey with the model transgender student policy and procedure created by the Washington state school directors' association the next time that these questions are reviewed.

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