

SSB 5766 - H COMM AMD
By Committee on Education

1 Strike everything after the enacting clause and insert the
2 following:

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4 "NEW SECTION. **Sec. 1.** The legislature intends to address
5 discrimination, harassment, intimidation, and bullying of all
6 students, including protected classes of students, such as
7 transgender students, by:

8 (1) Building and strengthening a safe, welcoming, open,
9 respectful, and positive school environment and culture in which
10 every student can learn and succeed;

11 (2) Addressing the root causes of discrimination, harassment,
12 intimidation, and bullying in schools;

13 (3) Requiring that school district primary contacts for policies
14 and procedures related to transgender students, and antiharassment,
15 intimidation, and bullying track the resolution of formal and
16 informal complaints;

17 (4) Requiring training of school district employees on policies
18 and procedures related to nondiscrimination; transgender students;
19 and antiharassment, intimidation, and bullying; and

20 (5) Requiring regular updating of model policies and procedures
21 related to nondiscrimination; transgender students; and
22 antiharassment, intimidation, and bullying.

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24 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.600
25 RCW to read as follows:

26 (1) The definitions in this subsection apply throughout this
27 section unless the context clearly requires otherwise.

1 (a) "Electronic" or "electronic means" means any communication
2 where there is the transmission of information by wire, radio,
3 optical cable, electromagnetic, or other similar means.

4 (b)(i) "Harassment, intimidation, or bullying" means any
5 intentional electronic, written, verbal, or physical act, including
6 but not limited to one shown to be motivated by any characteristic
7 in RCW 28A.642.010, or other distinguishing characteristics, when
8 the intentional electronic, written, verbal, or physical act:

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

11 (B) Has the effect of substantially interfering with a student's
12 education;

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

15 (D) Has the effect of substantially disrupting the orderly
16 operation of the school.

17 (ii) Subsection (b)(i) of this section does not require the
18 affected student to actually possess a characteristic that is a
19 basis for the harassment, intimidation, or bullying.

20 (2)(a) By September 1, 2018, each school district must adopt a
21 policy and procedure that prohibits the harassment, intimidation, or
22 bullying of any student and that, at a minimum, incorporates the
23 model policy and procedure described in subsection (3) of this
24 section. Each school district must update the policy and procedure
25 at least every three years, and within a reasonable time following
26 any substantive changes to the model policy and procedures. School
27 districts are encouraged to adopt and update the policy and
28 procedure through a process that includes representatives of
29 students, students' families, volunteers, school district employees,
30 and community representatives.

31 (b) School districts must share the antiharassment,
32 intimidation, and bullying policy and procedure with students,
33 students' families, volunteers, and school district employees in
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1 accordance with rules adopted by the superintendent of public
2 instruction under this section.

3 (c) Each school district must designate one administrator in the
4 district as the primary contact regarding the antiharassment,
5 intimidation, and bullying policy and procedure. In addition to
6 other duties required by law and the school district, the primary
7 contact must: Ensure the implementation of the policy and procedure;
8 receive copies of formal and informal harassment, intimidation, or
9 bullying complaints; communicate with the school district employees
10 responsible for monitoring district compliance with chapter 28A.642
11 RCW, prohibiting discrimination in public schools, and section 3 of
12 this act, related to transgender student policies and procedure; and
13 serve as the primary contact on the policy and procedure between the
14 school district, the office of the education ombuds, and the office
15 of the superintendent of public instruction.

16 (d) Beginning July 1, 2019, school districts must collect data
17 on harassment, intimidation, or bullying complaints and actions
18 taken to resolve these complaints and record this information in the
19 statewide student data system, based on the data collection
20 standards established by the office of the superintendent of public
21 instruction and the K-12 data governance group. The information must
22 be made available to the public, but public release of the data may
23 not include personally identifiable information, for example a
24 student's social security number, name, or address.

25 (e) As required by the superintendent of public instruction,
26 school districts must provide to the office of the superintendent of
27 public instruction district materials related to antiharassment,
28 intimidation, and bullying, for example the policy and procedure,
29 primary contact information, programs, partnerships, vendors,
30 educational materials, training materials, and web site links;

31 (3) By July 1, 2018, and by July 1st every three years
32 thereafter, the Washington state school directors' association must
33 collaborate with the office of the superintendent of public
34 instruction to develop or update a model policy and procedure that

1 prohibits harassment, intimidation, or bullying of any student. The
2 model policy and procedure must, at a minimum, prohibit acts of
3 harassment, intimidation, or bullying that are conducted via
4 electronic means by a student while on school grounds and during the
5 school day; and require that materials meant to educate students and
6 students' families about the seriousness of harassment,
7 intimidation, and bullying, including cyberbullying, be disseminated
8 to students' families or maintained on the school district's web
9 site. The procedure may emphasize positive character traits and
10 values, such as the civil and respectful speech and conduct, and the
11 responsibility of students to comply with the district's policy and
12 procedure. The association must consult with representatives of
13 students, students' families, volunteers, school district employees,
14 and community representatives on the content of the model policy and
15 procedure;

16 (4) By July 1, 2018, and by July 1st every three years
17 thereafter, the office of the superintendent of public instruction
18 must:

19 (a) Collaborate with the Washington state school directors'
20 association to develop or update sample materials to educate
21 students and students' families about the seriousness of harassment,
22 intimidation, and bullying, including cyberbullying. These materials
23 must include information on responsible and safe digital technology
24 and media use; the options available to a student who is being
25 bullied via electronic means, such as reporting threats to local law
26 enforcement; and when to involve school officials, or digital
27 technology or media providers in possible incidents of
28 cyberbullying. The office must consult with representatives of
29 students, students' families, volunteers, school district employees,
30 and community representatives on the content of the; and

31 (b) Adopt, or review previously adopted, rules necessary to
32 implement this section.

33 (4) The office of the superintendent of public instruction and
34 the Washington state school directors' association shall maintain

1 the model policy and procedure and sample materials developed and
2 updated as required under subsection (3) of this section on the
3 agency's web site at no cost to school districts.

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5 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.642
6 RCW to read as follows:

7 (1) For the purposes of this section, "transgender" refers to a
8 person whose gender expression or identity differs from what is
9 typically associated with the sex they were assigned at birth. The
10 term "gender expression or identity" has the meaning provided in RCW
11 49.60.040.

12 (2)(a) By September 1, 2018, each school district must adopt a
13 transgender student policy and procedure that, at a minimum,
14 incorporates the model policy and procedure described in subsection
15 (3) of this section. Each school district must update the policy and
16 procedure at least every three years, and within a reasonable time
17 following any substantive changes to the model policy and
18 procedures. School districts are encouraged to adopt and update the
19 policy and procedure through a process that includes representatives
20 of students, students' families, volunteers, school district
21 employees, and community representatives.

22 (b) School districts must share the transgender student policy
23 and procedure with students, students' families, volunteers, and
24 school district employees in accordance with rules adopted by the
25 superintendent of public instruction under this section.

26 (c) Each school district must designate one administrator in the
27 district as the primary contact regarding the transgender student
28 policy and procedure. In addition to other duties required by law
29 and the school district, the primary contact must: Ensure the
30 implementation of the policy and procedure; receive copies of formal
31 and informal complaints of violation of the transgender student
32 policy or procedure; communicate with school district employees
33 responsible for monitoring district compliance with this chapter,
34 prohibiting discrimination in public schools, and under section 2 of

1 this act, establishing antiharassment, intimidation, and bullying
2 policies and procedures; and serve as the primary contact on the
3 policy and procedure between the school district, the office of the
4 education ombuds, and the office of the superintendent of public
5 instruction.

6 (d) As required by the superintendent of public instruction,
7 school districts must provide to the office of the superintendent of
8 public instruction district materials related to transgender
9 students, for example the district's policy and procedure, primary
10 contact information, programs, partnerships, vendors, educational
11 materials, training materials, and web site links.

12 (3) By July 1, 2018, and by July 1st every three years
13 thereafter, the Washington state school directors' association must
14 collaborate with the office of the superintendent of public
15 instruction to develop, or update, a model transgender student
16 policy and procedure. The model policy and procedure must, at a
17 minimum, incorporate the office of the superintendent of public
18 instruction rules and guidelines developed under RCW 28A.642.020 to
19 eliminate discrimination in Washington public schools on the basis
20 of gender identity and expression; address the unique challenges and
21 needs faced by transgender students in public schools; and describe
22 the application of the model antiharassment, intimidation, and
23 bullying policy, required under section 2 of this act, to
24 transgender students. The association must consult with
25 representatives of students, students' families, volunteers, school
26 district employees, and community representatives on the content of
27 the model policy and procedure required under this subsection.

28 (4) By July 1, 2018, and by July 1st every three years
29 thereafter, the office of the superintendent of public instruction
30 must adopt, or review previously adopted, rules necessary to
31 implement this section.

32 (5) The office of the superintendent of public instruction and
33 the Washington state school directors' association must maintain the
34 model policy and procedure developed and updated as required under

1 subsection (3) of this section on the agency's web site at no cost
2 to school districts.

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4 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.415
5 RCW to read as follows:

6 (1)(a) By September 1, 2018, the office of the superintendent of
7 public instruction must maintain a training program to support the
8 implementation of school district policies and procedures
9 prohibiting discrimination, harassment, intimidation, and bullying
10 on the agency's web site at no cost to school districts. The
11 training program must incorporate or adopt existing training or
12 curricula related to discrimination, harassment, intimidation, or
13 bullying of students. The training program must, at a minimum: Be
14 based on the model policies and procedures described under sections
15 2 and 3 of this act; cover the rules and guidelines developed by the
16 superintendent of public instruction under RCW 28A.642.020 to
17 eliminate discrimination in Washington public schools; describe the
18 role of school district primary contacts for monitoring district
19 compliance with chapter 28A.642 RCW prohibiting discrimination in
20 public schools, section 2 of this act related to antiharassment,
21 intimidation, and bullying policies and procedures, and section 3 of
22 this act related to transgender student policies and procedures;
23 review example scenarios as appropriate; and include best practices
24 for: Building and strengthening a safe, welcoming, open, respectful,
25 and positive school environment and culture; addressing the root
26 causes of discrimination, harassment, intimidation, and bullying in
27 schools; and requiring prompt reporting and resolution of
28 harassment, intimidation, and bullying events and discriminatory
29 actions.

30 (b) The training program required under this subsection (1) must
31 be developed, and updated every three years, in collaboration with
32 the Washington state school directors' association, educators, the
33 educational opportunity gap oversight and accountability committee,
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1 representatives from diverse communities, and community-based
2 organizations that have an expertise in safe schools.

3 (2) A school district must provide the training program
4 described under subsection (1) of this section to all school
5 district employees annually. The training program may be combined
6 with other employee trainings.

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8 NEW SECTION. **Sec. 5.** The office of the superintendent of
9 public instruction, in collaboration with other agencies as
10 appropriate, must review and align the questions in the healthy
11 youth survey with the model transgender student policy and
12 procedure, developed under section 3 of this act, each time that
13 these questions are reviewed by the agencies."

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15 Correct the title.

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EFFECT: (1) Adds an intent section;

(2) Revises provisions related to requiring harassment,
intimidation, and bullying (HIB) policies and procedures by:

(a) Amending the definition of HIB by referencing characteristics
in the statute prohibiting discrimination in public schools, rather
than a criminal statute, resulting in the addition of honorably
discharged veteran or military status, and use of a trained dog
guide or service animal by a person with a disability;

(b) Combining school district policy and procedure requirements
related to HIB and cyberbullying and requiring the WSSDA to develop
the policy and procedure;

(c) Moving the provisions from the Superintendent of Public
Instruction Chapter to the Students Chapter;

(3) Revises provisions related to requiring transgender student
policies and procedures by:

(a) Defining transgender as gender expression or identity that

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differs from what is typically associated with the sex a person was assigned at birth;

(b) Specifying that when adopting a transgender student policy and procedure, districts must, at a minimum, incorporate the model policy and procedures that must be developed by WSSDA in collaboration with the OSPI (which must incorporate the OSPI rules and guidelines), rather than requiring the district policy and procedures to incorporate the WSSDA model policy and procedures as well as the OSPI rules and guidelines; and

(c) Adding that the model transgender student policy and procedure must address the unique challenges and needs faced by transgender students in public schools and describing the application of the model antiHIB policy to transgender students;

(4) Makes changes to both the HIB and transgender student policy and procedure provisions as follows:

(a) Requires the primary contacts to be administrators and to communicate with district employees responsible for monitoring district compliance with prohibitions against discrimination in public schools and transgender or HIB student policies and procedures;

(b) Requires district collection of data on HIB complaints and complaint resolutions, in the statewide student data system, beginning July 1, 2019;

(c) Replaces the requirement that the district annually provide certain HIB and transgender student policies and materials to the OSPI with direction that districts provide these materials as required;

(d) Gives the OSPI, rather than WSSDA, the duty to develop educational materials, but requires collaboration with the WSSDA;

(e) Specifies that the model policies and procedures and educational materials must be maintained on the OSPI and WSSDA web sites at no cost to school districts;

(f) Requires updating of the school district and model policies and procedures at least every three years;

(g) Expands the required primary contacts training program to all school district employees and requires that the program be based on the model policies and procedures, cover OSPI rules and guidelines on nondiscrimination, describe the role of the primary contacts, include best practices, and review example scenarios as appropriate; and

(h) Specifies that the training program must be updated every three years in collaboration with specified partners and that the program be provided to all employees by school districts annually; and

(5) Requires the Healthy Youth Survey to be aligned to the model transgender student policy and procedure each time it is reviewed by state agencies, not just the next time.

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