

# HOUSE BILL REPORT

## HB 2558

---

### As Reported by House Committee On: Education

**Title:** An act relating to preventing public identification or stigmatization of public school students based on unsatisfactory attendance, academic performance, or behavior.

**Brief Description:** Preventing public identification or stigmatization of public school students.

**Sponsors:** Representatives Kirby, Santos, Senn and Kloba.

**Brief History:**

**Committee Activity:**

Education: 1/15/18, 1/25/18 [DPS].

#### Brief Summary of Substitute Bill

- Prohibits schools and districts from stigmatizing students based on attendance, academic performance, or behavior that is unsatisfactory.
- Requires school principals, classroom teachers, and paraeducators to confer annually to develop or review policies and practices designed to improve school climate and create a safe, respectful learning environment.
- Directs the Center for the Improvement of Student Learning to convene a work group to make certain recommendations on school climate and safe, respectful learning environment training requirements for educators, and report to the Legislature by November 1, 2018.

---

### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 16 members: Representatives Santos, Chair; Dolan, Vice Chair; Stonier, Vice Chair; Harris, Ranking Minority Member; Muri, Assistant Ranking Minority Member; Bergquist, Caldier, Johnson, Kilduff, Lovick, Ortiz-Self, Senn, Slatter, Steele, Stokesbary and Valdez.

**Minority Report:** Do not pass. Signed by 3 members: Representatives Hargrove, McCaslin and Volz.

---

*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.*

**Staff:** Megan Wargacki (786-7194).

**Background:**

School Climate and Safe, Respectful Learning Environment.

The school code includes various references to "school climate," "school culture," "safe learning environment," and "respectful learning environment." In 2011 the Legislature directed the Office of the Superintendent of Public Instruction (OSPI) and the Office of the Education Ombuds to convene a work group on school bullying and harassment prevention in order to develop, recommend, and implement strategies to improve school climate and create respectful learning environments in all public schools in Washington.

When the Legislature revised the evaluation system for school principals and classroom teachers, it created minimum evaluation criteria. For school principals, one of the criteria is creating a school culture that promotes the ongoing improvement of learning and teaching for students and staff. For classroom teachers, one of the criteria is fostering and managing a safe, positive learning environment. In 2017 the Legislature required that one of the state standards of practice for paraeducators must be supporting a positive and safe learning environment.

Center for the Improvement of Student Learning.

The Legislature created the Center for the Improvement of Student Learning (CISL) to facilitate access to information, best practices, and materials related to improving the education system. The Superintendent of Public Instruction (SPI) appoints the CISL director, who works in collaboration with the OSPI staff, external partners, and students' families to address the academic and nonacademic needs of all students, with a specific focus on students who are underserved in schools.

Social and Emotional Learning.

Since 2015, as required by the Legislature, the OSPI has convened work groups to: (1) develop comprehensive benchmarks for developmentally appropriate interpersonal and decision-making knowledge and skills of social emotional learning (SEL) for each grade level; and (2) identify and articulate developmental indicators for each grade level for each of the SEL benchmarks, solicit feedback from stakeholders, and develop a model of best practices or guidance for schools on implementation. A report on the second task is due to the Legislature and the Governor by June 30, 2019.

---

**Summary of Substitute Bill:**

Schools and school districts are prohibited from stigmatizing, or taking any action that would likely stigmatize, a student based on attendance, academic performance, or behavior that is unsatisfactory.

School principals, classroom teachers, and paraeducators must confer annually to develop or review policies and practices designed to improve school climate and create a safe, respectful

learning environment. These policies and practices must be consistent with the prohibition described above.

The CISL is directed to convene a work group to make recommendations on school climate and safe, respectful learning environment training requirements for educators. These recommendations must emphasize that stigmatization is counterproductive to the state's goal of improving school climate and creating a safe, respectful learning environment. The work group must include a representative from: the OSPI, the Professional Educator Standards Board, the Paraeducator Board, a SEL work group convened by the SPI, a school administrator association, a school principal association, and an association of teacher preparation programs.

By November 1, 2018, the work group must report to the Legislature with the following:

- the components of school climate and safe, respectful learning environment training that are common to all types of educators at all levels of experience, as agreed upon by the majority of the work group members;
- best practices for making principals and administrators accountable for improving school climate and creating a safe, respectful learning environment; and
- options for incorporating the agreed upon training components into: (i) various educator preparation programs; (ii) initial and renewal educator certification and paraeducator certification requirements; (iii) evaluations and training on the components of evaluation criteria; and (iv) other trainings or professional development.

In developing its recommendations, the work group must consider: teacher and principal evaluation training materials developed to address these topics; and the recommendations from the SEL work group convened by the SPI. In addition, the work group must have a goal of developing recommendations that will work for most, if not all, schools.

#### **Substitute Bill Compared to Original Bill:**

The term "public identification," and variants thereof, is removed throughout the bill. The work group that develops the recommendations on school climate and safe, respectful learning environment training requirements for educators must: (1) include a representative from the SEL work group convened by the SPI; and (2) consider the recommendations from the SEL work group.

---

**Appropriation:** None.

**Fiscal Note:** Available.

**Effective Date of Substitute Bill:** The bill takes effect 90 days after adjournment of the session in which the bill is passed.

**Staff Summary of Public Testimony:**

(In support) That this bill is necessary is a surprise. Some schools do not allow students to attend certain events if the students have poor academic performance; instead the students must wear an armband to publicly identify them as underperforming and go to study hall during the event. This subjects the students to ridicule and bullying by their peers. This practice is not against the law, but staff at the schools do not understand why this practice is outrageous. This practice must be made illegal so that public identification or stigmatization of students based on attendance, academic performance, or behavior that is unsatisfactory does not happen to any other student in this state ever again.

The Legislature has been a leader with regard to emphasizing the importance of creating a positive culture and climate in schools and student learning support. Explicitly prohibiting policies or practices that identify or stigmatize students based on their unsatisfactory attendance, performance, or behavior is a good step in the right direction. It is a good idea to convene a work group to identify the appropriate components of training on safe, respectful learning environments. It is important to focus not just on the substance of education but on the context in which it is provided.

Some students repeat comments made by adults that might not be appropriate for students or in school. We cannot guilt students into showing up to class, so the underlying issues must be addressed. The same is true for academic and behavior issues; when students struggle, there is usually an underlying cause. It is harmful to stigmatize students for demonstrating symptoms of a problem. This is a first step toward asking the system whether certain comments and actions are helpful or harmful

(Opposed) None.

(Other) It is wrong for children to have been publicly stigmatized or identified based on attendance, behavior, or academics. The Family Educational Rights and Privacy Act should prohibit disclosure of student attendance or academic records. School staff must be careful about discussing student data as to not make it public. The teacher and principal evaluation frameworks state that shaming or other harmful teaching practices are unacceptable. There are a lot of trainings related to building culture and relationships available to school staff. Principals care about establishing trusting relationships with students.

**Persons Testifying:** (In support) Representative Kirby, prime sponsor; Andrea Cobb, Office of the Superintendent of Public Instruction; and Heather Lindberg, Washington State Parent Teacher Association.

(Other) Roz Thompson, Association of Washington School Principals.

**Persons Signed In To Testify But Not Testifying:** None.