
Education Committee

SSB 5766

Brief Description: Preventing harassment, intimidation, bullying, and discrimination in public schools.

Sponsors: Senate Committee on Early Learning & K-12 Education (originally sponsored by Senators Liias, Pedersen, Billig, Fain, Hunt, Keiser, Kuderer and Saldaña).

Brief Summary of Substitute Bill

- Requires school districts to adopt or amend a transgender student policy and procedure that incorporates a model policy and rules and guidelines.
- Directs school districts to designate a primary contact for the transgender student policy, with specified duties.
- Requires development and offering of a mandatory training class for the primary school district contacts for the antiharassment, intimidation, and bullying policy and the transgender student policy.
- Provides for alignment of the questions in the Healthy Youth Survey with the model transgender student policy and procedure.

Hearing Date: 2/8/18

Staff: Megan Wargacki (786-7194).

Background:

Prohibited Discrimination.

Discrimination on the basis of sexual orientation including gender expression or identity is prohibited in public schools. According to rules and guidelines developed by the Superintendent of Public Instruction (Superintendent), harassment maybe discrimination when it is based on gender expression or identity, among other things. The guidelines state that a school district is responsible for addressing discriminatory harassment about which it knows or reasonably should have known, including promptly investigating and taking effective steps, if appropriate,

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.

reasonably calculated to end the harassment, eliminate any hostile environment, and prevent harassment from recurring.

Antiharassment, Intimidation, and Bullying Policy and Primary Contact.

The Superintendent must publish on its website a model harassment, intimidation, and bullying (HIB) prevention policy and procedure, along with training and instructional materials on the components that must be included in any school district policy and procedure. The Superintendent must adopt rules regarding school districts' communication of the policy and procedure to parents, students, employees, and volunteers.

School districts must have HIB prevention policies and procedures that, at a minimum, incorporate the model HIB policy and procedure. The districts must share the HIB policy with parents or guardians, students, volunteers, and school employees in accordance with the Superintendent's rules. Each district must designate one person to: serve as the primary contact on the HIB policy and procedures between the school district, the Office of the Education Ombuds (OEO), and the Office of the Superintendent of Public Instruction (OSPI); receive copies of all formal and informal complaints; and implement the HIB policy and procedure.

Healthy Youth Survey.

The Healthy Youth Survey is a collaboration between the OSPI, the Department of Health (DOH), the Department of Social and Health Services (DSHS), and the Liquor and Cannabis Board. The survey includes questions about safety and violence; physical activity and diet; alcohol, tobacco, and other drug use; and related risk and protective factors. This information can be used to identify trends in the patterns of youth behavior over time.

Summary of Bill:

Antiharassment, Intimidation, and Bullying Policies.

Periodically, the Superintendent, in consultation with in consultation with representatives of parents, school personnel, the OEO, the Washington State School Directors' Association (WSSDA), and other interested parties, must provide the Legislature with a revised and updated model HIB prevention policy and procedure.

Transgender Student Policy and Primary Contact.

By August 1, 2018, school districts must 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 model transgender student policy and procedure created by the WSSDA; and
- the rules and guidelines developed by the Superintendent to eliminate discrimination in public schools on the basis of gender identity and expression.

School districts must share the policy with parents or guardians, students, volunteers, and school employees in accordance with the Superintendent's rules.

Each district must designate one person as the primary contact regarding the transgender student policy. This person may also serve as the primary contact for the HIB policy. The primary contact must 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 OSPI, in addition to other duties required by law or the school district.

By August 15, 2018, each district must provide the OSPI with its policies and procedures relating to transgender students, and a link to the school district's website for further information. The district's primary contact for transgender student issues must notify the OSPI of any updates or changes to the policies or procedures, annually by August 15.

Training.

By December 31, 2018, the OSPI must develop a statewide training class for primary HIB and transgender student policy contacts. The training must be based on the model HIB policy and include materials related to hazing, the WSSDA model transgender student policy and procedure, and the Superintendent's rules and guidance to eliminate discrimination on the basis of gender identity and expression. The training class must be offered on an annual basis by educational service districts in collaboration with the OSPI. The primary contacts must attend at least one training class, once this training is available.

Healthy Youth Survey.

The OSPI, in collaboration with the DOH, and the DSHS, must review and align the questions in the Healthy Youth Survey with the WSSDA model transgender student policy and procedure the next time that these questions are reviewed.

Appropriation: None.

Fiscal Note: Available.

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