

FINAL BILL REPORT

SHB 1207

C 242 L 23

Synopsis as Enacted

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

Sponsors: House Committee on Education (originally sponsored by Representatives Senn, Rude, Fey, Reed, Bergquist, Ramel, Doglio, Callan, Thai and Pollet).

House Committee on Education

Senate Committee on Early Learning & K-12 Education

Background:

Discrimination Prohibited.

In Washington public schools, discrimination on the following bases is prohibited: race; creed; religion; color; national origin; honorably discharged veteran or military status; sexual orientation including gender expression or identity; the presence of any sensory, mental, or physical disability; or the use of a trained guide dog or service animal by a person with a disability. The Superintendent of Public Instruction (SPI) must develop rules and guidelines to eliminate discrimination as it applies to public school employment, counseling and guidance services to students, recreational and athletic activities for students, access to course offerings by students, and in textbooks and instructional materials used by students.

The rules of the SPI require each school district and charter school to:

- annually notify students, students' parents and guardians, and employees of the discrimination complaint procedure outlined in rule;
- include a nondiscrimination statement in publications made available to all students, parents, or employees; and
- include information about the sexual harassment policy and complaint procedure in any publication about the standards of conduct.

The Equity and Civil Rights Office at the Office of the Superintendent of Public Instruction

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

has developed sample language that can be included in student and staff handbooks to meet these requirements.

The SPI has the power to enforce and obtain compliance with state laws and guidelines prohibiting discrimination by, among other things, instituting corrective action, withholding state funds, or terminating the offending program.

Primary Contacts for Antidiscrimination and for Anti-harassment, Intimidation, and Bullying.

The rules of the SPI require each school district and the governing board of each charter school to designate at least one employee who is responsible for monitoring and coordinating the district's or charter school's compliance with rules and guidelines related to eliminating unlawful discrimination. The designated employee is also responsible for ensuring that all complaints of discrimination are promptly investigated and resolved.

State statute requires each school district to designate a primary contact for the policy and procedure prohibiting harassment, intimidation, and bullying and a primary contact for policies and procedures relating to transgender students. These two primary contacts can be a single person. In addition to other duties required by law and the district policy, these primary contacts must ensure the implementation of the relevant policies and procedures, including receiving copies of formal and informal complaints. These primary contacts must communicate with each other and with the employee responsible for monitoring and coordinating compliance with nondiscrimination requirements.

Office of the Education Ombuds.

The Office of the Education Ombuds (OEO) was created within the Office of the Governor to provide information to parents, students, and others regarding their rights and responsibilities with respect to the state's public elementary and secondary system. Beginning August 1, 2023, public schools must provide students and their parents with a description of the OEO's services and its contact information at the time of initial enrollment or admission and either include a link on the school website or provide the information in existing materials that are shared annually with families, students, and school employees.

Emergency Expulsion of Students.

State statute requires the SPI to adopt rules related to student discipline that prescribe the substantive and procedural due process guarantees of students. The statute also specifies that emergency expulsions must end or be converted to another form of corrective action within 10 school days from the date of the emergency removal from school. In addition, the statute requires school districts to provide an opportunity for students to receive educational services while they are emergency expelled.

The rules of the SPI add that a student may be removed from their school placement when the school district has sufficient cause to believe that the student's presence poses either an

immediate and continuing danger to other students or school personnel or an immediate and continuing threat of material and substantial disruption of the educational process.

Summary:

Model Student Handbook Language.

The Office of the Superintendent of Public Instruction (OSPI) must develop, and periodically update, model student handbook language that includes information about policies and complaint procedures related to discrimination, including sexual harassment and addressing transgender students, and information about policies and complaint procedures related to harassment, intimidation, and bullying (HIB), as well as the overlap between the policies and complaint procedures. The model student handbook language must:

- include a description of the services available through the Office of the Education Ombuds (OEO) and the contact information for the OEO;
- be aligned with existing requirements in state law including laws related to discrimination, sexual harassment, HIB, and the OEO;
- be jointly developed with the Washington State School Directors' Association and in consultation with the OEO; and
- be posted publicly on the OSPI's website beginning July 1, 2024.

Beginning with the 2024-25 school year, each school district must include the model student handbook language developed by the OSPI in any student, parent, employee, and volunteer handbook that it or one of its schools publishes and on the school district's website, and any schools' websites. If a school district neither publishes a handbook nor maintains a website, it must provide the model student handbook language to each student, parent, employee, and volunteer at least annually.

The model student handbook language may be used to satisfy existing requirements related to informing students, parents, and guardians about the sexual harassment policy; the HIB policy; the transgender students policy; and the OEO.

Primary Contact Regarding Compliance with State Laws Prohibiting Discrimination.

Each school district and charter school must designate one person as the primary contact regarding compliance with state laws prohibiting discrimination. In addition to any other duties required by law and the school policy, the primary contact must: (1) ensure that complaints of discrimination communicated to the school are promptly investigated and resolved; and (2) communicate with the primary contact regarding the policy and procedure prohibiting HIB and the primary contact regarding the school district's or charter school's policies and procedures related to transgender students.

The primary contact regarding nondiscrimination laws may serve as the primary contact regarding the HIB policy and the primary contact regarding the transgender students policy, and vice versa.

Requiring Use of the Term "Emergency Removal," Instead of "Emergency Expulsion."

In state laws related to student discipline, the term "emergency expulsion" is replaced with the term "emergency removal."

The OSPI must publish a bulletin to notify school districts and public schools of this change. The Legislature's intent as described in the act must be included in the bulletin. The bulletin must also include guidance about student discipline data collection and historical data comparison. A student who was emergency expelled between September 1, 2019, and the effective date of the act may request that any reference to "emergency expulsion" in the student's education record be revised to "emergency removal."

Votes on Final Passage:

House	60	36	
Senate	28	20	(Senate amended)
House	64	32	(House concurred)

Effective: July 23, 2023