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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)

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

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

5 **Sec. 1.** RCW 28A.300.285 and 2013 c 23 s 50 are each amended to  
6 read as follows:

7 (1) By August 1, 2011, each school district shall adopt or amend  
8 if necessary a policy and procedure that at a minimum incorporates  
9 the revised model policy and procedure provided under subsection (4)  
10 of this section that prohibits the harassment, intimidation, or  
11 bullying of any student. It is the responsibility of each school  
12 district to share this policy with parents or guardians, students,  
13 volunteers, and school employees in accordance with rules adopted by  
14 the superintendent of public instruction. Each school district shall  
15 designate one person in the district as the primary contact regarding  
16 the antiharassment, intimidation, or bullying policy. This person may  
17 also serve as the primary contact identified in section 2 of this  
18 act. The primary contact shall receive copies of all formal and  
19 informal complaints, have responsibility for ~~((assuring))~~ ensuring  
20 the implementation of the policy and procedure, and serve as the  
21 primary contact on the policy and procedures between the school

1 district, the office of the education ombuds, and the office of the  
2 superintendent of public instruction. The primary contact from each  
3 school district shall attend at least one training class as provided  
4 in subsection (6) of this section, once this training is available.

5 (2) "Harassment, intimidation, or bullying" means any intentional  
6 electronic, written, verbal, or physical act, including but not  
7 limited to one shown to be motivated by any characteristic in RCW  
8 9A.36.080(3), or other distinguishing characteristics, when the  
9 intentional electronic, written, verbal, or physical act:

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

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

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

16 (d) Has the effect of substantially disrupting the orderly  
17 operation of the school.

18 Nothing in this section requires the affected student to actually  
19 possess a characteristic that is a basis for the harassment,  
20 intimidation, or bullying.

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

29 (4)(a) By August 1, 2010, and periodically thereafter, the  
30 superintendent of public instruction, in consultation with  
31 representatives of parents, school personnel, the office of the  
32 education ombuds, the Washington state school directors' association,  
33 and other interested parties, shall provide to the education  
34 committees of the legislature a revised and updated model harassment,  
35 intimidation, and bullying prevention policy and procedure. The  
36 superintendent of public instruction shall publish on its web site,  
37 with a link to the safety center web page, the revised and updated  
38 model harassment, intimidation, and bullying prevention policy and  
39 procedure, along with training and instructional materials on the  
40 components that shall be included in any district policy and

1 procedure. The superintendent shall adopt rules regarding school  
2 districts' communication of the policy and procedure to parents,  
3 students, employees, and volunteers.

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

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

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

38 (6) By December 31, 2018, the office of the superintendent of  
39 public instruction must develop a statewide training class for those  
40 people in each school district who act as the primary contact

1 regarding the antiharassment, intimidation, or bullying policy as  
2 provided in subsection (1) of this section. The training class must  
3 be offered on an annual basis by educational service districts in  
4 collaboration with the office of the superintendent of public  
5 instruction. The training class must be based on the model policy as  
6 provided in subsection (1) of this section and include materials  
7 related to hazing and the Washington state school directors'  
8 association model transgender student policy and procedure as  
9 provided in section 2(1) of this act.

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

14 NEW SECTION. Sec. 2. A new section is added to chapter 28A.642  
15 RCW to read as follows:

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

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

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

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

31 (c) Each school district shall designate one person in the  
32 district as the primary contact regarding the transgender student  
33 policy. This person may also serve as the primary contact identified  
34 in RCW 28A.300.285(1). In addition to any other duties required by  
35 law and the school district, the primary contact shall receive copies  
36 of all formal and informal complaints, have responsibility for  
37 ensuring the implementation of the district's transgender student  
38 policy and procedure, and serve as the primary contact on the policy  
39 and procedures between the school district and the office of the

1 superintendent of public instruction. The primary contact from each  
2 school district shall attend at least one training class as provided  
3 in subsection (3) of this section, once this training is available.

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

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

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

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