

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 2801

Chapter 239, Laws of 2010

61st Legislature
2010 Regular Session

K-12 EDUCATION--HARASSMENT, INTIMIDATION, AND BULLYING

EFFECTIVE DATE: 06/10/10

Passed by the House March 6, 2010
Yeas 94 Nays 0

FRANK CHOPP

Speaker of the House of Representatives

Passed by the Senate March 4, 2010
Yeas 48 Nays 0

BRAD OWEN

President of the Senate

Approved March 29, 2010, 2:30 p.m.

CHRISTINE GREGOIRE

Governor of the State of Washington

CERTIFICATE

I, Barbara Baker, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 2801** as passed by the House of Representatives and the Senate on the dates hereon set forth.

BARBARA BAKER

Chief Clerk

FILED

March 30, 2010

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 2801

AS AMENDED BY THE SENATE

Passed Legislature - 2010 Regular Session

State of Washington 61st Legislature 2010 Regular Session

By House Education (originally sponsored by Representatives Lias, Johnson, Pedersen, Hunt, Orwall, Maxwell, Quall, Moeller, Chase, Williams, Nelson, and Simpson)

READ FIRST TIME 01/28/10.

1 AN ACT Relating to antiharassment strategies in public schools;
2 amending RCW 28A.300.285; adding a new section to chapter 43.06B RCW;
3 and creating a new section.

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

5 NEW SECTION. **Sec. 1.** The legislature finds that despite a
6 recognized law prohibiting harassment, intimidation, and bullying of
7 students in public schools and despite widespread adoption of
8 antiharassment policies by school districts, harassment of students
9 continues and has not declined since the law was enacted. Furthermore,
10 students and parents continue to seek assistance against harassment,
11 and schools need to disseminate more widely their antiharassment
12 policies and procedures. The legislature intends to expand the tools,
13 information, and strategies that can be used to combat harassment,
14 intimidation, and bullying of students, and increase awareness of the
15 need for respectful learning communities in all public schools.

16 **Sec. 2.** RCW 28A.300.285 and 2007 c 407 s 1 are each amended to
17 read as follows:

18 (1) By August 1, ((2003)) 2011, each school district shall adopt or

1 amend if necessary a policy(~~(, within the scope of its authority,))~~ and
2 procedure that at a minimum incorporates the revised model policy and
3 procedure provided under subsection (4) of this section that prohibits
4 the harassment, intimidation, or bullying of any student. It is the
5 responsibility of each school district to share this policy with
6 parents or guardians, students, volunteers, and school employees in
7 accordance with rules adopted by the superintendent of public
8 instruction. Each school district shall designate one person in the
9 district as the primary contact regarding the antiharassment,
10 intimidation, or bullying policy. The primary contact shall receive
11 copies of all formal and informal complaints, have responsibility for
12 assuring the implementation of the policy and procedure, and serve as
13 the primary contact on the policy and procedures between the school
14 district, the office of the education ombudsman, and the office of the
15 superintendent of public instruction.

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

21 (a) Physically harms a student or damages the student's property;
22 or

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

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

27 (d) Has the effect of substantially disrupting the orderly
28 operation of the school.

29 Nothing in this section requires the affected student to actually
30 possess a characteristic that is a basis for the harassment,
31 intimidation, or bullying.

32 (3) The policy and procedure should be adopted or amended through
33 a process that includes representation of parents or guardians, school
34 employees, volunteers, students, administrators, and community
35 representatives. It is recommended that each such policy emphasize
36 positive character traits and values, including the importance of civil
37 and respectful speech and conduct, and the responsibility of students

1 to comply with the district's policy prohibiting harassment,
2 intimidation, or bullying.

3 (4)(a) By August 1, ~~((2002))~~ 2010, the superintendent of public
4 instruction, in consultation with representatives of parents, school
5 personnel, the office of the education ombudsman, the Washington state
6 school directors' association, and other interested parties, shall
7 provide to ~~((school districts and educational service districts a))~~ the
8 education committees of the legislature a revised and updated model
9 harassment, intimidation, and bullying prevention policy and procedure.
10 The superintendent of public instruction shall publish on its web site,
11 with a link to the safety center web page, the revised and updated
12 model harassment, intimidation, and bullying prevention policy and
13 procedure, along with training and instructional materials on the
14 components that ~~((should))~~ shall be included in any district policy and
15 procedure. The superintendent shall adopt rules regarding school
16 districts' communication of the policy and procedure to parents,
17 students, employees, and volunteers. ~~((Training materials shall be~~
18 ~~disseminated in a variety of ways, including workshops and other staff~~
19 ~~developmental activities, and through the office of the superintendent~~
20 ~~of public instruction's web site, with a link to the safety center web~~
21 ~~page. On the web site:~~

22 ~~((a) The office of the superintendent of public instruction shall~~
23 ~~post — its — model — policy, — recommended — training — materials, — and~~
24 ~~instructional materials:))~~

25 (b) The office of the superintendent of public instruction has the
26 authority to update with new technologies access to this information in
27 the safety center, to the extent resources are made available~~((; and))~~.

28 ~~((Individual school districts shall have direct access to the~~
29 ~~safety center web site to post a brief summary of their policies,~~
30 ~~programs, — partnerships, — vendors, — and — instructional — and — training~~
31 ~~materials, and to provide a link to the school district's web site for~~
32 ~~further information.))~~ Each school district shall by August 15, 2011,
33 provide to the superintendent of public instruction a brief summary of
34 its policies, procedures, programs, partnerships, vendors, and
35 instructional and training materials to be posted on the school safety
36 center web site, and shall also provide the superintendent with a link
37 to the school district's web site for further information. The

1 district's primary contact for bullying and harassment issues shall
2 annually by August 15th verify posted information and links and notify
3 the school safety center of any updates or changes.

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

24 (6) As used in this section, "electronic" or "electronic means"
25 means any communication where there is the transmission of information
26 by wire, radio, optical cable, electromagnetic, or other similar means.

27 NEW SECTION. Sec. 3. A new section is added to chapter 43.06B RCW
28 to read as follows:

29 In addition to duties assigned under RCW 43.06B.020, the office of
30 the education ombudsman shall serve as the lead agency to provide
31 resources and tools to parents and families about public school
32 antiharassment policies and strategies.

Passed by the House March 6, 2010.

Passed by the Senate March 4, 2010.

Approved by the Governor March 29, 2010.

Filed in Office of Secretary of State March 30, 2010.