



Memorandum

Date: December 2019
To: Senate Committee on Early Learning and K-12 Education
From: Ailey Kato and Alex Fairfortune, Staff to the Senate Committee on Early Learning and K-12 Education
Re: **Harassment, Intimidation, Bullying, and Discrimination**

As a 2019 interim project, the Senate Committee on Early Learning and K-12 Education asked staff to research certain topics related to harassment, intimidation, bullying, and discrimination and to develop a survey for parents and guardians regarding their familiarity and experience with policies and procedures regarding these issues.

This memorandum provides the following information:

- I. [Summary of Federal and State Law, Policies, and Procedures](#)
- II. [Different Roles of State Offices and Local Coordinators](#)
- III. [Existing Data](#)
- IV. [Summary of Parent and Guardian Survey](#)
- Appendix A. [Healthy Youth Survey](#)
- Appendix B. [Parent and Guardian Survey Questions](#)

Please contact staff for further information.

I. Summary of Federal and State Law, Policies, and Procedures

Harassment, Intimidation, and Bullying. While federal law addresses some aspects related to harassment, intimidation, and bullying (HIB),¹ it does not directly address this topic.

In Washington State, the Legislature addressed harassment, intimidation, and bullying in the school setting in 2002.² The Legislature subsequently enacted several bills³ related to this topic with the most recent Substitute Senate Bill (SSB) 5689 enacted in 2019. Current state law is summarized below.

Definition. Washington State law provides the following definition:

(5)(b)(i) "Harassment, intimidation, or bullying" means any intentional electronic, written, verbal, or physical act including, but not limited to, one shown to be motivated by any

¹ See Children's Internet Protection Act (requiring Internet safety policies); Protect Our Children Act (addressing child exploitation); and Protecting Children in the 21st Century Act (regarding appropriate online behavior).

² SHB 1444 (2002).

³ SSB 5288 (2007); SHB 2801 (2010); 2SHB 1163 (2011).

characteristic in RCW 28A.640.010 and 28A.642.010, or other distinguishing characteristics, when the intentional electronic, written, verbal, or physical act:

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

(B) Has the effect of substantially interfering with a student's education;

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

(D) Has the effect of substantially disrupting the orderly operation of the school.

(ii) Nothing in (b)(i) of this subsection requires the affected student to actually possess a characteristic that is a basis for the harassment, intimidation, or bullying.⁴

Policies and Procedures. In 2003, school districts were required to adopt or amend if necessary a policy based on a model that prohibits the harassment, intimidation, or bullying of any student.⁵

In 2019, the Legislature directed the Washington State School Directors' Association (WSSDA), in collaboration with the Office of the Superintendent of Public Instruction (OSPI), to develop and update a model policy and procedure.⁶

By January 31, 2020, school districts must adopt or amend if necessary a policy and procedure prohibiting HIB of any student that at a minimum incorporates the updated model.⁷ School districts are encouraged to adopt and update the policy and procedure through a process that includes representation of parents or guardians, school employees, volunteers, students, administrators, and community representatives.⁸

Training and Instructional Materials. Each school district must provide OSPI a brief summary of its policies, procedures, programs, partnerships, vendors, instructional and training materials, and a link to the school district's website with information on this topic.⁹ OSPI must post this information along with training and instructional materials on its website.¹⁰

Reporting HIB. State law prohibits any school employee, student, or volunteer to engage in reprisal, retaliation, or false accusation against a victim, witness, or one with reliable information about an act of HIB.¹¹

A school employee, student, or volunteer who has witnessed, or has reliable information that a student has been subjected to harassment, intimidation, or bullying, whether verbal or physical, is encouraged to report the incident to an appropriate school official.

A school employee, student, or volunteer who promptly reports an incident, and who makes this report in compliance with the procedures in the school district's policy, is immune from a cause of action for damages arising from any failure to remedy the reported incident.

⁴ RCW 28A.600.477.

⁵ SHB 1444 (2002).

⁶ SSB 5689 (2019); RCW 28A.600.477(3)(a).

⁷ RCW 28A.600.477(1).

⁸ RCW 28A.600.477(2).

⁹ RCW 28A.600.477(3)(b).

¹⁰ RCW 28A.600.477(3)(c).

¹¹ RCW 28A.600.480.

HIB and Discriminatory Harassment. HIB and discrimination are two distinct but related topics. Bullying or harassing behavior rises to the level of discriminatory harassment when it (1) is based on a student's protected class, and (2) creates a hostile environment.¹² Harassment creates a hostile environment when the conduct is so severe, pervasive, or persistent that it limits a student's ability to participate in, or benefit from, the school's services, activities, or opportunities.¹³

When a school knows or reasonably should know of possible discriminatory harassment, including sexual harassment, it must take prompt and appropriate steps to investigate or otherwise determine what occurred.¹⁴

In its training materials, OSPI provides the following table to explain the differences between HIB and discriminatory harassment:

BULLYING (HIB)	DISCRIMINATORY HARASSMENT
<p>Harassment, Intimidation, and Bullying Law: RCW 28A.300.285</p> <p>May or may not be discrimination <i>(Based on any characteristic)</i></p> <p>Response is often limited to disciplining the perpetrators</p> <p>HIB Policy/ Procedure (3207)</p>	<p>State and Federal Nondiscrimination Laws</p> <p>A form of discrimination <i>(Based on a protected class)</i></p> <p>Often requires a <u>systemic</u> response, beyond simply disciplining the perpetrators</p> <p>Sexual Harassment and Nondiscrimination Policies/Procedures (3205 & 3210)</p>

¹² WAC 392-190-0555.

¹³ WAC 392-190-0555.

¹⁴ WAC 392-190-0555.

Discrimination. Federal and state law prohibits school districts from discriminating based on any of the protected classes.

Protected Classes Under Federal Law	Protected Classes Under State Law ¹⁵
race ¹⁶ color ¹⁷ national origin ¹⁸ sex ¹⁹ disability ²⁰ age ²¹ religion/creed ²²	race color national origin sex presence of any sensory, mental, or physical disability age religion/creed honorably discharged veteran or military status sexual orientation including gender expression or identity use of a trained dog or service animal by a person with a disability

Federal and state law contain some differences relating to the required content of nondiscrimination notices and methods to publish them. OSPI encourages school districts to publish a combined nondiscrimination statement that covers all the requirements of federal and state laws.²³

SAMPLE NONDISCRIMINATION STATEMENT:

_____ School District does not discriminate in any programs or activities on the basis of sex, race, creed, religion, color, national origin, age, veteran or military status, sexual orientation, gender expression or identity, disability, or the use of a trained dog guide or service animal and provides equal access to the Boy Scouts and other designated youth groups. The following employee(s) has been designated to handle questions and complaints of alleged discrimination: [Name and/or Title] [Address] [Phone Number].²⁴

Rules and Guidance. State law directs OSPI to develop regulations 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, and in textbooks and instructional materials used by students.²⁵ OSPI rules provide complaint, appeal, and monitoring procedures.²⁶

¹⁵ Chapter 28A.640 RCW; Chapter 28A.642 RCW; Chapter 49.60 RCW.

¹⁶ Title VI and IV of the Civil Rights Act of 1964.

¹⁷ Title VI and IV of the Civil Rights Act of 1964.

¹⁸ Title VI and IV of the Civil Rights Act of 1964; Equal Educational Opportunities Act of 1974.

¹⁹ Title IX of the Education Amendments of 1972; Title IV of the Civil Rights Act of 1964.

²⁰ Section 504 of the Rehabilitation Act of 1973; Title II of the Americans with Disabilities Act.

²¹ Age Discrimination Act of 1975.

²² Title IV of the Civil Rights Act of 1964.

²³ Prohibiting Discrimination in Washington Public Schools (February 2012), p. 60.

²⁴ Prohibiting Discrimination in Washington Public Schools (February 2012), p. 60.

²⁵ RCW 28A.640.020; RCW 28A.642.020.

²⁶ Chapter 392-190 WAC.

In 2012, OSPI published guidelines for school districts to prohibit discrimination in Washington public schools.²⁷ In 2019, OSPI updated guidelines for preventing and addressing discrimination in student discipline.²⁸ OSPI plans to continue to publish updated guidelines by topic.

Transgender Students. SSB 5689 (2019) also addressed transgender students. Many of the requirements mirror the HIB requirements including:

- directing WSSDA and OSPI to develop and update a model policy and procedure;
- requiring school districts to adopt or amend a policy and procedure by January 31, 2020 that incorporates a model; and
- designating a primary contact at each school district.

By December 31, 2020, OSPI must develop online training material available to all school staff based on the model transgender student policy and procedure. The training material must include best practices for policy and procedure implementation and cultural change that are guided by school district experiences.

Other Model Policies and Procedures. WSSDA offers subscription-based services including a database of model policies and procedures. In addition to legislatively directed model policies and procedures, the following WSSDA policies and procedures relate to HIB and discrimination:

- Nondiscrimination;
- Sexual Harassment of Students Prohibited;
- Electronic Resources and Internet Safety;
- Digital Citizenship and Media Literacy; and
- Notification of Threats of Violence of Harm.

II. Different Roles of State Offices and Local Coordinators

Role of State Offices. Washington State has four offices that address components of HIB and discrimination in schools. The following table provides an overview of each office's authority, duties, and staffing.

²⁷ Prohibiting Discrimination in Washington Public Schools (February 2012), https://www.k12.wa.us/sites/default/files/public/equity/pubdocs/Prohibiting_Discrimination_in_Washington_Public_Schools_February2012%28RevisedSep.2019Disclaimer%29.pdf.

²⁸ Preventing & Addressing Discrimination in Student Discipline (October 2019), https://www.k12.wa.us/sites/default/files/public/equity/2019_Discipline_Equity_Guidelines_Final.pdf.

	Governor's Office of the Education Ombuds	OSPI's State School Safety Center	OSPI's Office of Equity and Civil Rights	OSPI's Special Education Parent and Community Liaison
Authority	Created by Chapter 43.06B RCW	RCW 28A.300.630	Within OSPI (not in statute)	Within OSPI (not in statute)
Duties	<ul style="list-style-type: none"> • Develops parental involvement materials • Provides information regarding the public education system. • Identifies obstacles to greater parent and community involvement in school shared decision-making. • Identifies and recommends strategies for improving the success rates of ethnic and racial student groups and students with disabilities. • Refers complainants and others to appropriate resources, agencies, or departments. • Facilitates the resolution of complaints made by parents and students.²⁹ 	<ul style="list-style-type: none"> • Works with regional safety centers • Serves as a clearinghouse for information regarding comprehensive school safety planning and practice. • Disseminates information regarding school safety incidents. • Develops and maintains a public website. • Serves as the lead school safety center and works with regional centers. • Develops model school safety policies and procedures and identifies best practices. • Works with regional centers to provide trainings and technical assistance. 	<ul style="list-style-type: none"> • Develops civil rights policy and guidance. • Provides training and technical assistance to school districts. • Informs families about their rights. • Monitors school district compliance. • Investigates and resolves discrimination complaints. 	<ul style="list-style-type: none"> • Offers guidance to families and community advocates on special education, formal dispute resolution, and working with school districts. • Contacts special education administrators as needed and assists with communication. • Provides training, information, and reports on special education laws, regulations, trends, and state and district policies. • Makes policy recommendations within OSPI for improving the special education process. • Assists with special education rulemaking.³⁰
HIB and Discrimination	<ul style="list-style-type: none"> • Serves as the lead agency to provide resources and tools to parents and families about public school anti-harassment policies and strategies.³¹ • Provides information and informal, impartial, and collaborative conflict resolution including HIB issues. 	<ul style="list-style-type: none"> • Provides resources, training, and technical assistance on HIB.³² 	<ul style="list-style-type: none"> • Addresses discrimination complaints. • Develops rules and guidelines to eliminate discrimination. • Monitors compliance.³³ 	<ul style="list-style-type: none"> • Answers questions about discrimination based on disability.
Staffing	<ul style="list-style-type: none"> • Seven positions funded by the state. 	<ul style="list-style-type: none"> • Two positions funded by the state (one position focuses on HIB). 	<ul style="list-style-type: none"> • Six positions funded by the state. 	<ul style="list-style-type: none"> • One position funded by federal IDEA funding and the state.

²⁹ RCW 43.06B.020.

³⁰ Presentation materials to EOGOAC on June 18, 2019, <https://www.k12.wa.us/sites/default/files/public/workgroups/eogoac/pubdocs/EOGOAC%20Meeting%20Minutes%2006.18.19.pdf>.

³¹ RCW 43.06B.060.

³² OSPI State School Safety Center, <https://www.k12.wa.us/student-success/health-safety/school-safety-center/school-safety-security-related-rcws-wacs/harassment-intimidation-and-bullying-hib>.

³³ Chapter 28A.640 RCW and Chapter 28A.642 RCW.

Other Offices. In addition to these state offices, the U.S. Department of Education's Office for Civil Rights accepts and investigates discrimination complaints involving educational institutions.³⁴

The Washington State Human Rights Commission also accepts complaints by individuals who believe they have been discriminated against based on protected class status.³⁵ The Human Rights Commission investigates complaints of alleged discrimination in the areas of employment, housing and real estate housing, place of public accommodation, and credit and insurance.³⁶

Role of Local Coordinators/Officers. Under state and federal law, school districts must designate at least one employee to coordinate the district's compliance with its responsibilities regarding:

- HIB;
- Title IX and sex discrimination;
- Section 504 of the Rehabilitation Act of 1972, American with Disabilities Act (ADA), and disability discrimination;
- civil rights under state and federal law; and
- transgender students.

The following table outlines the different roles of these coordinators/officers, which may be filled by the same or multiple employees. If a district assigns different coordinators for these roles, OSPI advises them to regularly collaborate with each other.

OSPI's State School Safety Center maintains a list of HIB Primary Contacts/Compliance Officers on its website.³⁷

OSPI's Equity and Civil Rights Office maintains a list of Civil Rights Compliance Coordinators, Section 504/ADA Coordinators, and Title IX Officers.³⁸

³⁴ U.S. Department of Education, Office for Civil Rights, <https://www2.ed.gov/about/offices/list/ocr/index.html>.

³⁵ Washington State Human Rights, Commission, <https://www.hum.wa.gov/file-complaint>.

³⁶ Chapter 49.60 RCW.

³⁷ HIB Compliance Officer List, <https://www.k12.wa.us/sites/default/files/public/safetycenter/bullyingharassment/pubdocs/complianceofficercontactlist.pdf>.

³⁸ School District and Charter School Compliance Coordinators, <https://www.k12.wa.us/policy-funding/equity-and-civil-rights/school-district-charter-school-compliance-coordinators>.

	HIB Primary Contact/ Compliance Officer	Title IX Officer/ Coordinator	Section 504/ ADA Coordinator	Civil Rights Compliance Coordinator	Transgender Student Primary Contact
Protected Class	May or may not involve a protected class	Sex	Disability	All protected classes under state law	Sexual orientation including gender expression or identity
Authority	RCW 28A.600.477	Title IX of the Education Amendments of 1972; 34 C.F.R. § 106.8; Chapter 28A.640 RCW	Sec. 504 of the Rehabilitation Act of 1972; Title II of the Americans with Disabilities Act (ADA); Chapter 28A.642 RCW	Chapter 28A.640 and 28A.642 RCW; WAC 392-190-060	RCW 28A.642.080
Duties	<ul style="list-style-type: none"> Ensures implementation of the HIB policy and procedure. Receives copies of all formal and informal HIB complaints. Communicates with the school district employees responsible for monitoring compliance with anti-discrimination laws and the transgender student primary contact. Serves as the primary contact between the school district, OEO, and OSPI. 	<ul style="list-style-type: none"> Coordinates and monitors compliance with federal Title IX as well as state civil rights requirements. Oversees prevention efforts. Implements the district's discrimination complaint procedures. Investigates complaints based on sex discrimination and sexual harassment.³⁹ 	<ul style="list-style-type: none"> Coordinates and monitors compliance with federal Section 504 and Title II of the ADA if a school district has 50 or more employees as well as state civil rights requirements. Oversees prevention efforts Implements the district's discrimination complaint procedures. Investigates complaints based on disability discrimination and disability harassment.⁴⁰ 	<ul style="list-style-type: none"> Coordinates and monitors compliance with state and federal nondiscrimination laws, rules, and guidelines. Oversees prevention efforts Implements the district's discrimination complaint procedures. Investigates complaints based on any of the state's protected classes (i.e., sex, race, creed, religion, color, national origin, veteran or military status, sexual orientation, gender expression or identity, disability, and use of a trained dog guide or service animal by a person with a disability).⁴¹ 	<ul style="list-style-type: none"> Ensures implementation of the transgender student policy and procedure. Receives copies of all formal and informal complaints relating to transgender students. Communicates with the school district employees responsible for monitoring compliance with anti-discrimination laws and the HIB student primary contact. Serves as the primary contact between the school district, OEO, and OSPI.
Training	<ul style="list-style-type: none"> Attends at least one training class developed by OSPI. 	<ul style="list-style-type: none"> Attends trainings related to Title IX and sex discrimination such as those offered by OSPI's Equity and Civil Rights Office and shares information with district administrators and staff. 	<ul style="list-style-type: none"> Attends trainings on Section 504/ADA such as those offered from OCR, OSPI's Equity and Civil Rights Office, and the Northwest ADA Center and shares information with district administrators and staff. 	<ul style="list-style-type: none"> Attends trainings related to civil rights issues such as those offered by OSPI's Equity and Civil Rights Office and shares information with district administrators and staff. 	<ul style="list-style-type: none"> Attends at least one training class developed by OSPI.

³⁹ OSPI, Title IX/Sex Equity Officer, https://www.k12.wa.us/sites/default/files/public/equity/pubdocs/TitleIX_Officer.pdf.

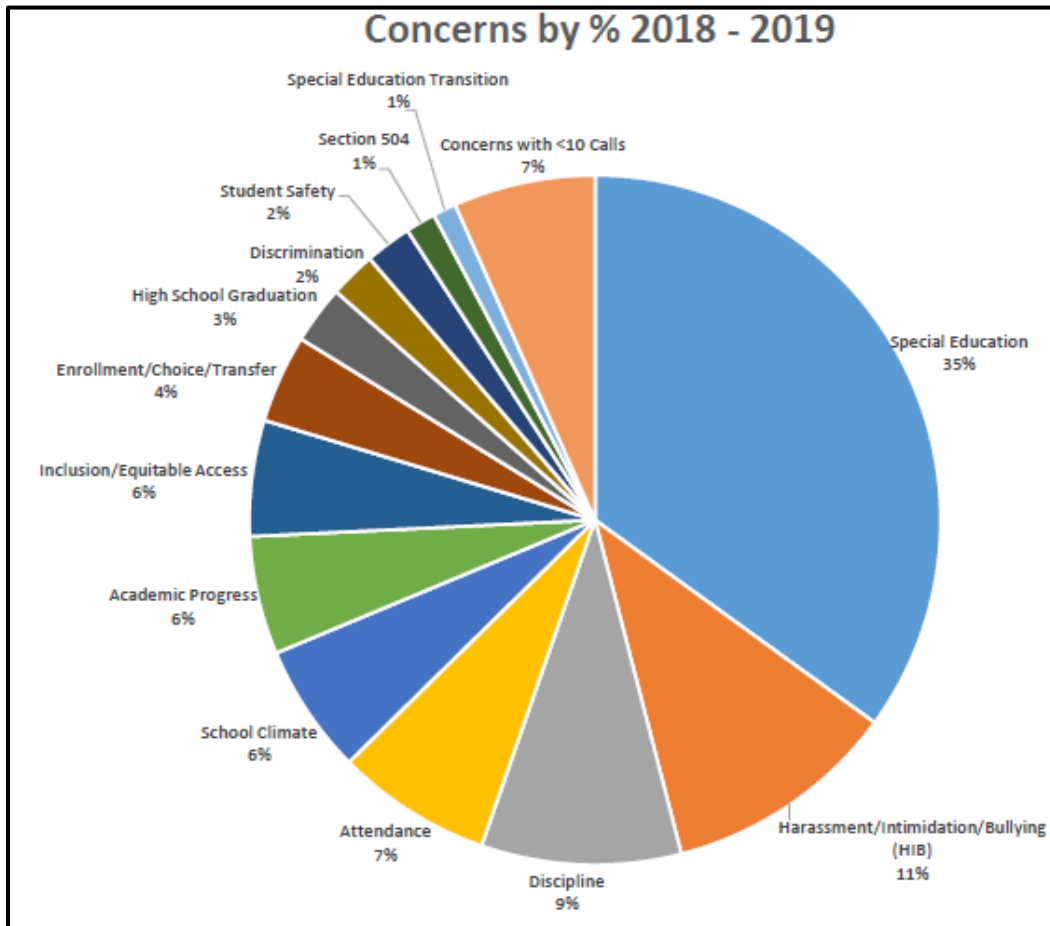
⁴⁰ OSPI, Section 504/ADA Coordinator, <https://www.k12.wa.us/sites/default/files/public/equity/pubdocs/section504coordinatordescription.pdf>.

⁴¹ OSPI, Civil Rights Compliance Coordinator, https://www.k12.wa.us/sites/default/files/public/equity/pubdocs/Civil_Rights_Compliance_Coordinator.pdf.

III. Existing Data

Office of the Education Ombuds. The OEO within the Governor's Office provides information to parents, students, and others regarding their rights and responsibilities with respect to the state's public schools and advocates on behalf of students.⁴² Each September, OEO must publish a report that explains how its services have been used along with certain methods, recommendations, and strategies.⁴³

According to OEO's most recent report, it received a total of 920 education-related concerns during the 2018-19 fiscal year. Specifically, 11 percent of concerns were related to HIB and 2 percent related to discrimination. The following chart shows all the reported concerns.⁴⁴



⁴² RCW 43.06B.010.

⁴³ RCW 43.06B.050.

⁴⁴ OEO Annual Report, p. 3,

https://oeo.wa.gov/sites/default/files/public/OEO_Annual_Report_2018_2019_Final_2019_08_28.pdf.

The OEO report also addressed the percentage of concerns involving special education, discipline, and HIB for different student groups (see following table).⁴⁵

Student Race/Ethnicity	% of Their Concerns Involving: Special Education	% of Concerns: Discipline	% of Concerns: HIB
White	47	13	12
Black	47	17	15
Latinx	35	12	21
Asian	48	13	10
Native American	29	7	21
Pacific Islander*	50	<1	<1
Bi-/Multi-Racial	42	8	17

Other Groups	% of Their Concerns Involving: Special Education	% of Concerns: Discipline	% of Concerns: HIB
Students with Disabilities	61	8	5
English Language Learners*	53	5	16
Students Receiving Free and Reduced Meals	47	13	10
Foster & Homeless*	44	26	<1

OEO has posted a number of resources related to HIB including:

- model incident reporting forms;
- tips for families to prevent and address bullying; and
- video resources.⁴⁶

OSPI's Office of Equity and Civil Rights. School districts and charter schools must establish a discrimination complaint procedure that includes an option to appeal.⁴⁷ If a complainant disagrees with the school district or charter school's appeal decision or fails to comply with the procedures, the complainant may file a complaint with OSPI.⁴⁸

Complaints are filed with the Office of Equity and Civil Rights within OSPI. The following table shows the number of complaints and issues/allegations involved in complaints from 2017-2019. Some of the complaints involved more than one issue/allegation.

⁴⁵ OEO Annual Report, p. 5.

⁴⁶ OEO, <https://o eo.wa.gov/en/education-issues/bullying-harassment-and-intimidation>.

⁴⁷ WAC 392-190-065; WAC 392-190-070.

⁴⁸ WAC 392-190-075.

Year	Number of Complaints	Issues/Allegations Involved in Complaints* filed with OSPI's Office of Equity and Civil Rights							
		Race	Sex	Disability	Religion	National Origin	Age	Procedural	Economic
2017	13	6	6	3	0	0	2	1	0
2018	13	3	5	2	0	1	0	2	1
2019	20	11	11	3	2	1	1	0	0

*Some complaints involved more than one issue/allegation.

Healthy Youth Survey. The Washington State Healthy Youth Survey is a voluntary and anonymous survey administered every two years to students in sixth, eighth, tenth, and twelfth-grades.⁴⁹ It is a collaborative effort by OSPI, the Department of Health, the Health Care Authority - Division of Behavioral Health and Recovery, and the Liquor and Cannabis Board.⁵⁰

The survey asks several questions about bullying and harassment. In the survey, bullying is defined as "when one or more students threaten, spread rumors about, hit, shove, or otherwise hurt another student over and over again. It is not bullying when two students of about the same strength or power argue or fight or tease each other in a friendly way."⁵¹

The survey asks if students have been harassed due to sexual orientation or race, ethnicity or national origin. It also asks if the student has received sexually suggestive or revealing messages, images, photos or videos via text, app, or social media.

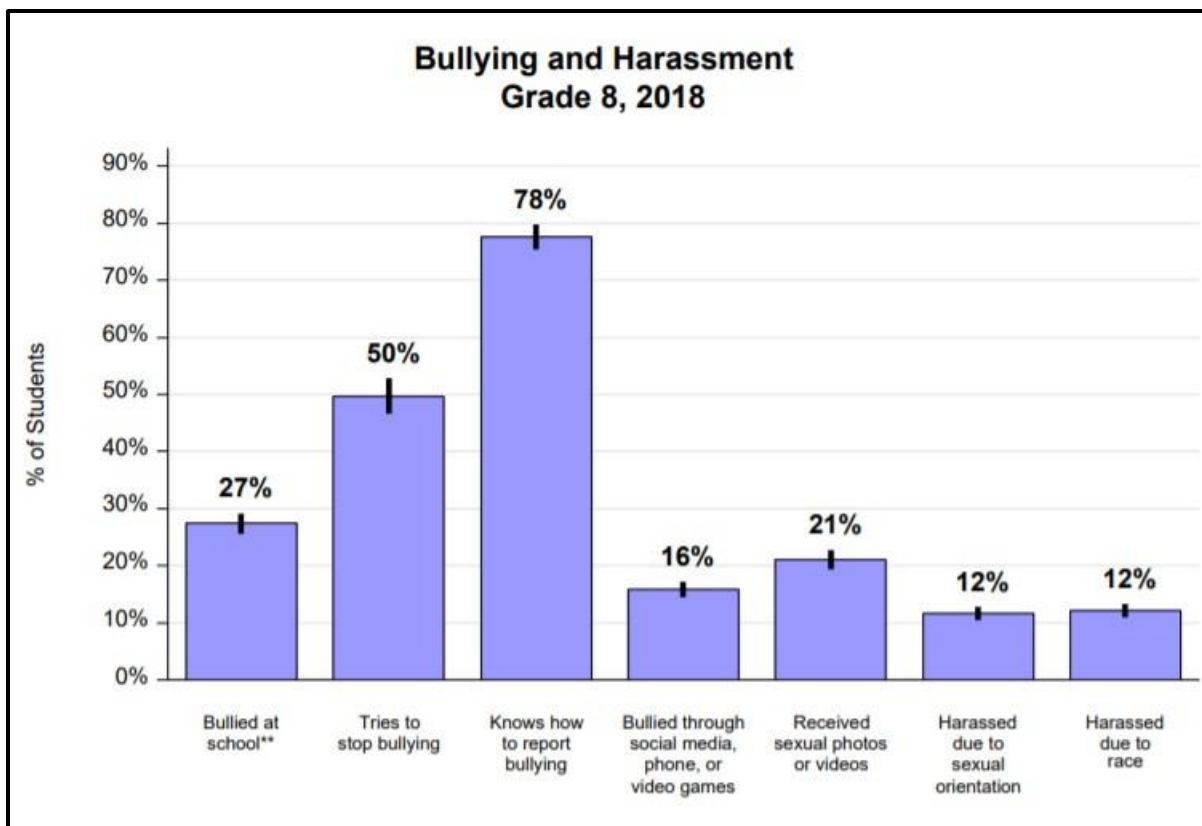
Healthy Youth Survey Fact Sheets provide graphs and data on the survey responses to the questions related to bullying and harassment and other topics.⁵² The fact sheets can display results by state, educational service district (ESD), and county. For example, the following table shows the 2018 statewide results from eighth graders regarding bullying and harassment.

⁴⁹ Healthy Youth Survey, <https://www.askhys.net/Home/AboutHYS>.

⁵⁰ Healthy Youth Survey About, <https://www.askhys.net/>.

⁵¹ Healthy Youth Survey Forms, <https://www.askhys.net/Administration>.

⁵² Healthy Youth Survey Fact Sheets, <https://www.askhys.net/FactSheets>.



Appendix A includes the 2018 statewide fact sheets for sixth, eighth, tenth, and twelfth-grades regarding bullying and harassment. Additional fact sheets can be found on the Healthy Youth Survey website.⁵³

School Health Profiles. The Centers for Disease Control and Prevention (CDC) manages a system of School Health Profiles to assess school health policies and practices.⁵⁴ The profiles surveys are conducted biennially by education and health agencies among middle and high school principals and lead health education teachers.

Survey questions address the topics of bullying, harassment, and violence prevention. The survey is voluntary and sent to a random sample of schools. In 2018, 310 secondary schools (i.e., middle, junior, and high schools) responded to the survey.

The following table shows Washington State's survey results for the three most recent years.⁵⁵

⁵³ Healthy Youth Survey Fact Sheets, <https://www.askhys.net/FactSheets>.

⁵⁴ CDC School Health Profiles, <https://www.cdc.gov/healthyouth/data/profiles/index.htm>.

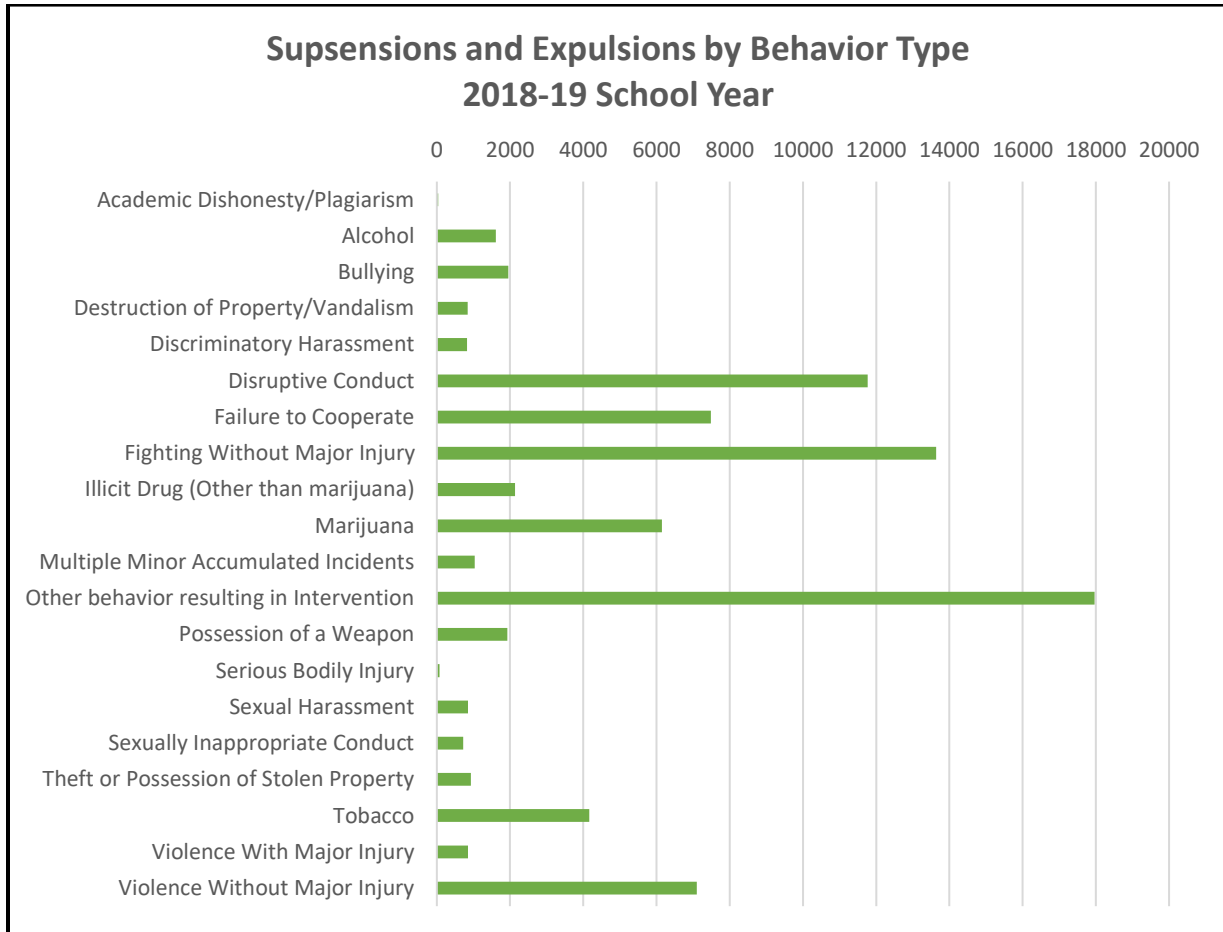
⁵⁵ OSPI School Health Profiles, <https://www.k12.wa.us/student-success/resources-subject-area/health-and-physical-education/school-health-profiles>.

School Health Profiles*	2014	2016	2018
Bullying, Sexual Harassment, and Violence Prevention			
% of secondary schools in which staff received professional development on preventing, identifying, and responding to student bullying and sexual harassment, including electronic aggression	88.4 %	89.1%	90.0%
% of secondary schools in which the lead health education teacher received professional development on violence prevention (e.g., bullying, fighting, dating violence prevention)	52.1%	45.5%	48.3%
% of secondary schools in which the lead health education teacher would like to receive professional development on violence prevention (e.g., bullying, fighting, dating violence prevention)	70.8%	68.0%	70.0%
% of secondary schools that have a designated staff member to whom students can confidentially report student bullying and sexual harassment, including electronic aggression	96.7%	96.2%	93.5%
% of secondary schools that use electronic paper, or oral communication to publicize and disseminate policies, rules, or regulations on bullying and sexual harassment, including electronic aggression	96.3%	94.0%	97.8%
% of secondary schools that prevent bullying and sexual harassment, including electronic aggression, among all students	50.6%	43.7%	48.2%
% of secondary schools in which teachers tried to increase student knowledge on violence prevention (e.g., bullying, fighting, dating violence prevention) in a required course in any of grades 6 through 12 during the current school year	90.5%	89.3%	92.1%
% of secondary schools that provided parents and families with health information designed to increase parent and family knowledge of preventing student bullying and sexual harassment, including electronic aggression (i.e., cyber-bullying) during the current school year	60.3%	57.3%	60.5%

**The survey is voluntary and sent to a random sample of schools. In 2018, 310 secondary schools (i.e., middle, junior, and high schools) responded to the survey.*

Student Discipline Data. OSPI collects data on short-term suspensions, long-term suspensions, expulsions, and emergency expulsions.⁵⁶ This data can be disaggregated by a number of categories including by behavior type.⁵⁷

In the 2018-19 school year, there were 82,052 suspensions and expulsions statewide. The following chart shows these incidents by behavior type.⁵⁸

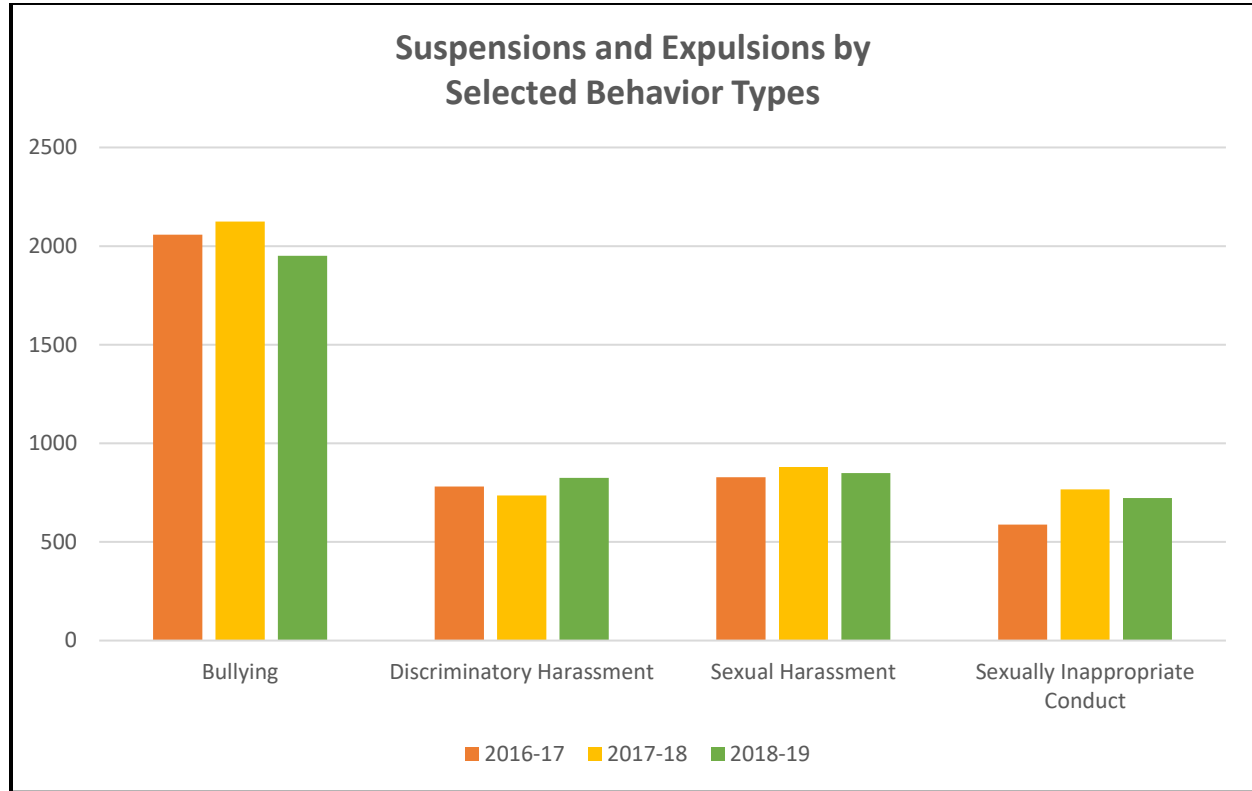


⁵⁶ See Chapter 28A.600 RCW and Chapter 392-400 WAC for definitions of these different types of discipline.

⁵⁷ The State Report Card displays student discipline data, which can be disaggregated by student demographics and student program and characteristic, <https://washingtonstatereportcard.ospi.k12.wa.us/>.

⁵⁸ The chart is based on data pulled by OSPI on December 24, 2019.

The behavior types include bullying, discriminatory harassment, sexual harassment, and sexually inappropriate conduct and account for less than six percent of all suspensions and expulsions. The following chart shows the number of incidents for these behavior types in the three most recent school years.



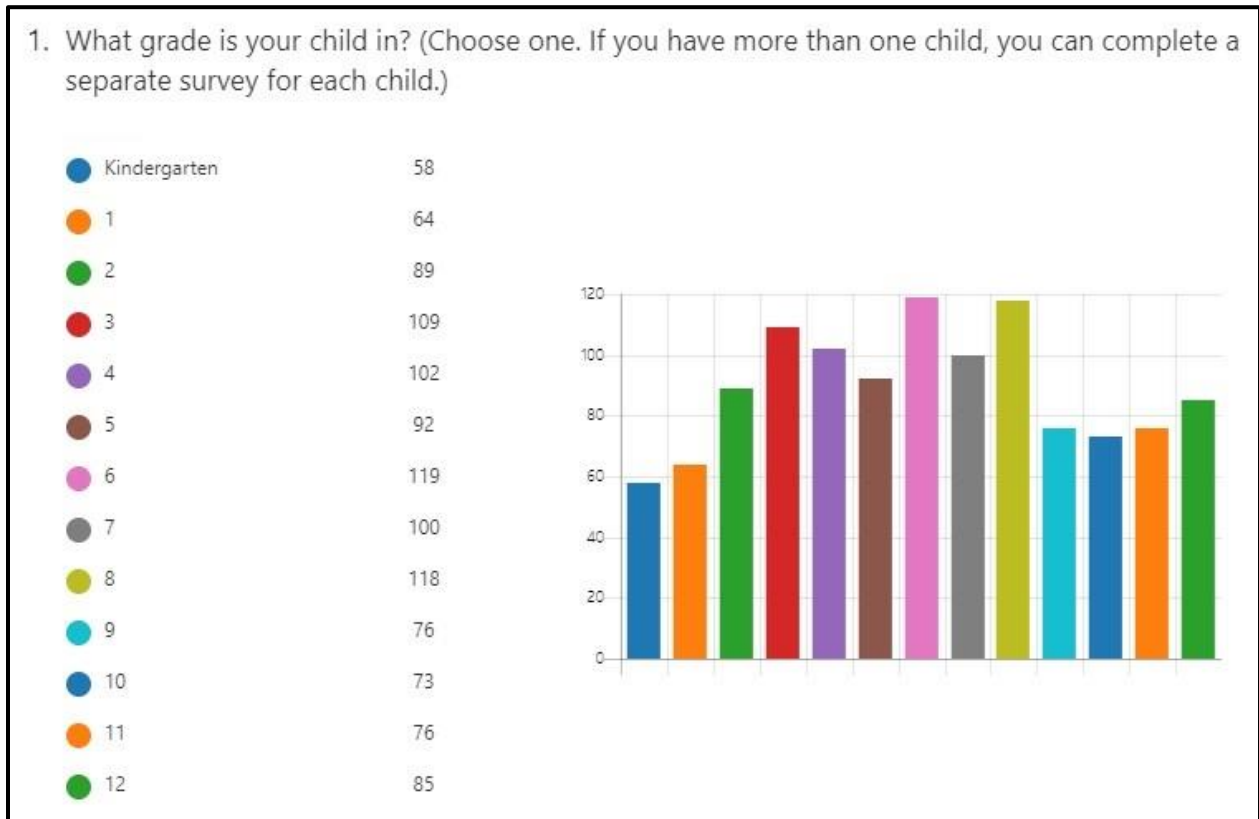
IV. Summary of Parent and Guardian Survey

The 2019 interim committee work plan directed committee staff to develop a survey for parents and guardians regarding their familiarity and experience with policies and procedures regarding HIB and discrimination.

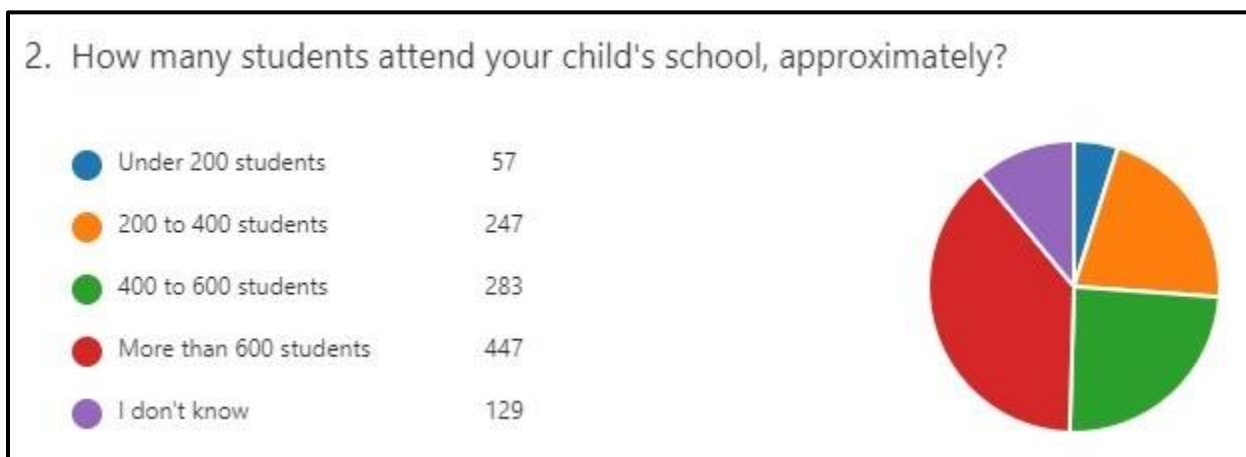
The entire 16-question survey can be found in Appendix B. The survey was distributed to Early Learning & K-12 Education Committee members at the end of September for members to distribute or to direct committee staff to distribute. Committee staff was directed to send the survey to the Washington State PTA, OSPI, and WSSDA, which distributed the survey through their listservs.

The survey was open for approximately one month and closed on November 1, 2019. The survey received 1,170 responses.

Survey Respondents. The survey was completed by parents and guardians with children in all grade levels, with most respondents from third through eighth-grade. The following graph shows the number of respondents for each grade level.



The survey was completed by parents and guardians who have children in schools that range in size. The following graph shows the respondents by school size.

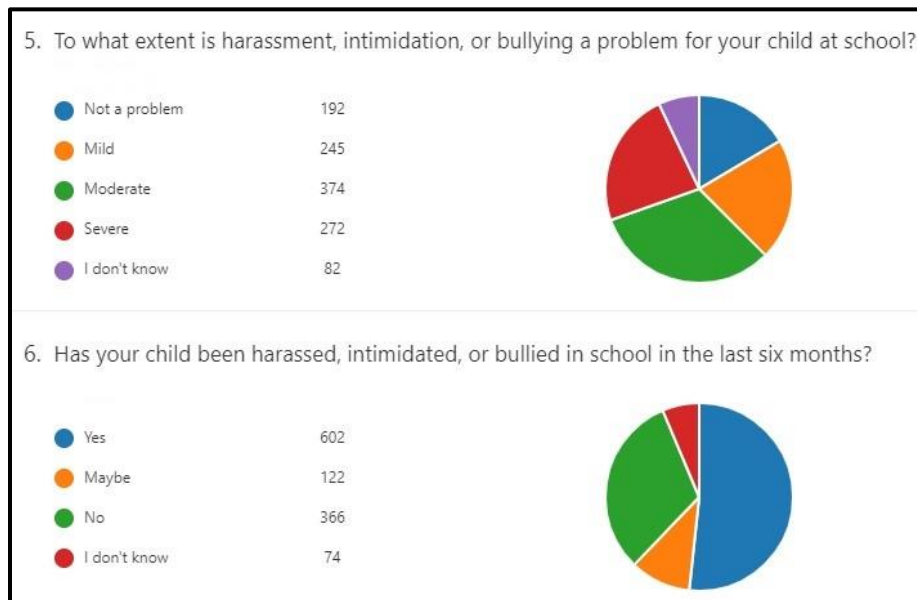


HIB and Discrimination at School. A majority of respondents (72 percent) said their child had talked to them about observing HIB or discrimination of another student at school. Approximately 77 percent of respondents said their child's school had not notified them that HIB or discrimination was a problem at their child's school.

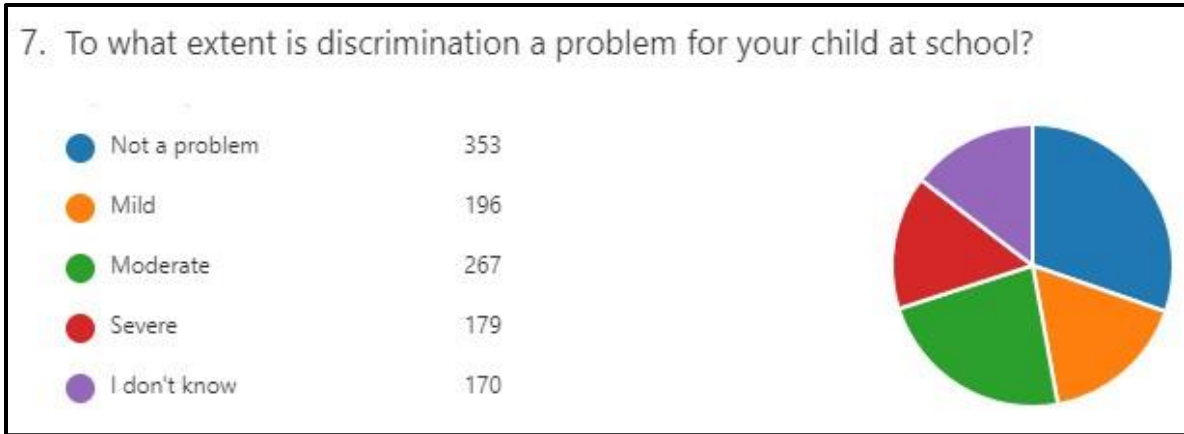


HIB. Approximately 75 percent of respondents characterized HIB as a problem for their child at school ranging from mild to moderate to severe. Approximately 16 percent of respondents said HIB was not a problem for their child, and 7 percent did not know whether it was a problem.

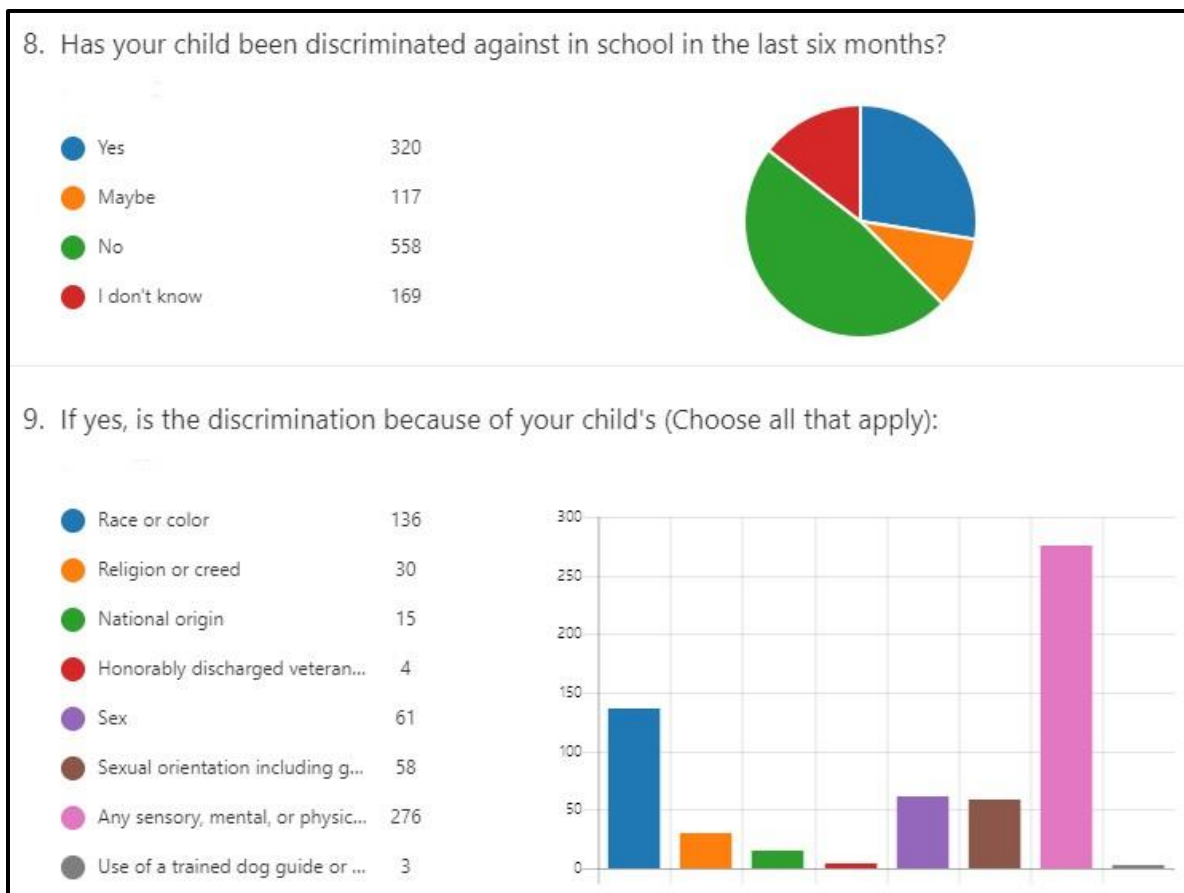
Over half (52 percent) of respondents stated their child had been harassed, intimidated, or bullied in school in the last six months.



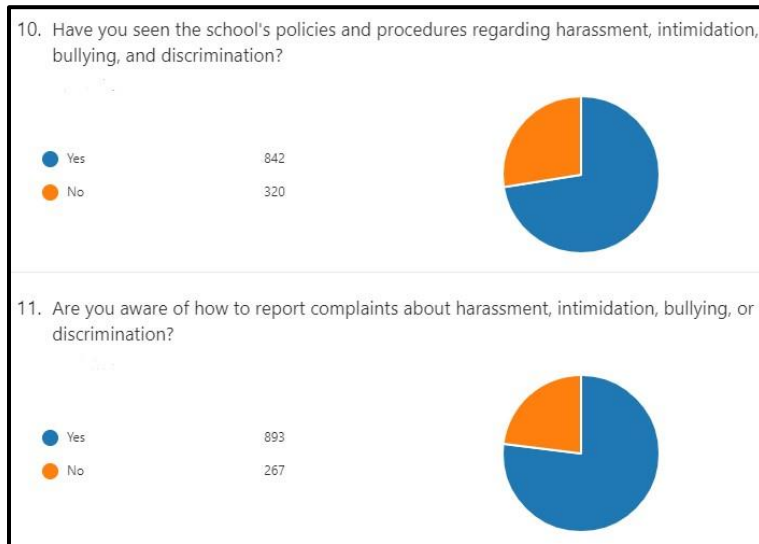
Discrimination. Approximately 55 percent of respondents characterized discrimination as a problem for their child at school ranging from mild to moderate to severe. Approximately 30 percent of respondents said discrimination was not a problem for their children, and 15 percent did not know whether it was a problem.



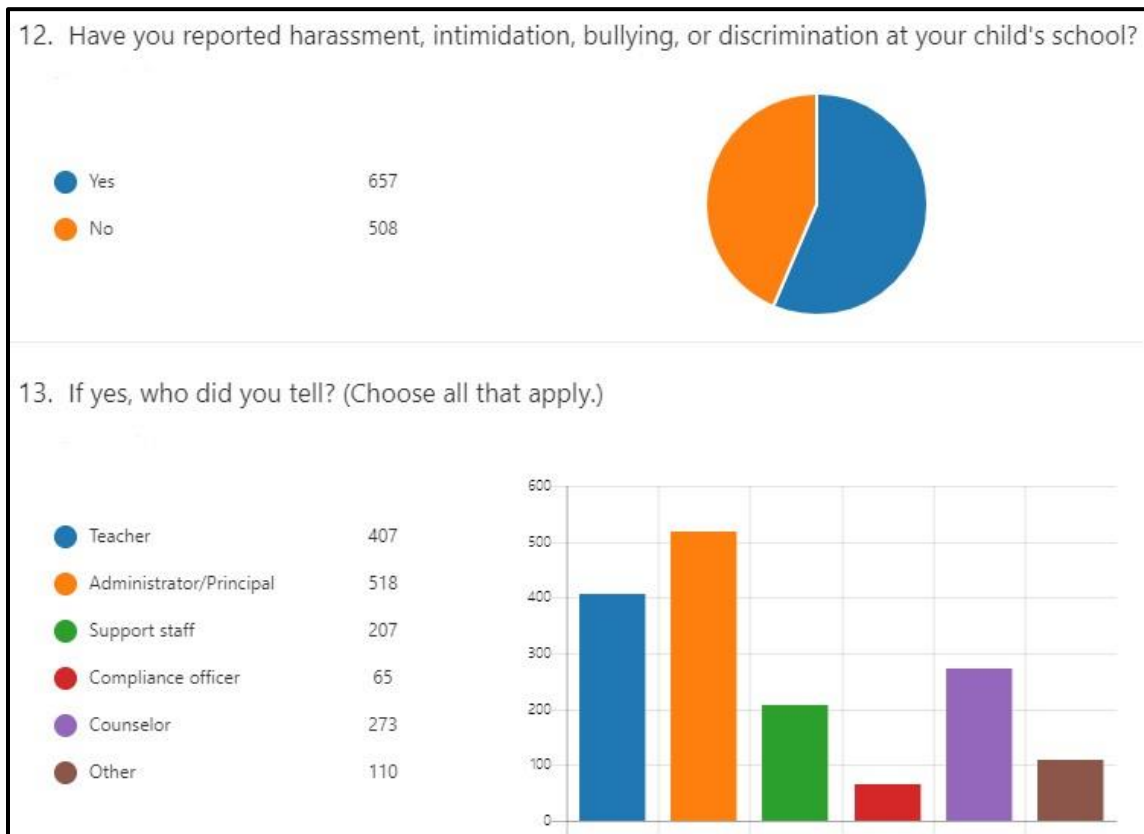
Under a third (27 percent) of respondents stated their child had been discriminated against in school in the last six months. The most common basis for discrimination was any sensory, mental, or physical disability, followed by race or color.



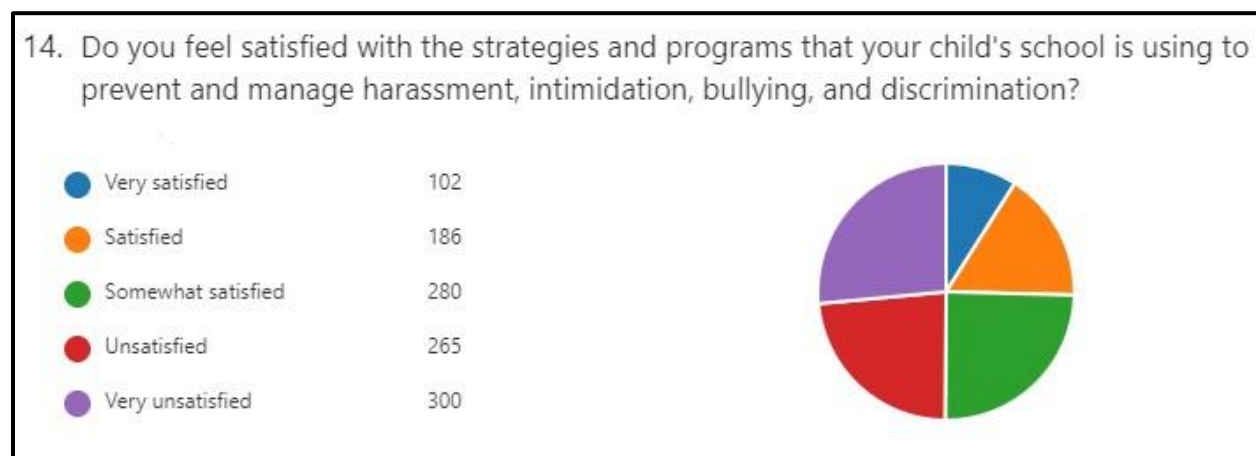
Policies, Procedures, and Reporting. Approximately 72 percent of respondents stated they had seen their school's policies and procedures regarding HIB and discrimination, and 77 percent were aware of how to report complaints about HIB and discrimination.



Over half of respondents (56 percent) stated they had reported HIB or discrimination at their child's school. The most common person they told was an administrator or principal followed by a teacher.



Addressing HIB and Discrimination. Approximately half of respondents (50 percent) said they were somewhat satisfied, satisfied, or very satisfied with the strategies and programs that their child's school was using to prevent and manage HIB and discrimination.



Additional Steps for Schools to Prevent and Manage HIB and Discrimination. The survey included two open-ended questions:

- What, if any, additional steps would you like your child's school to take to prevent and manage HIB or discrimination in schools?
- What, if any, other information would be helpful to know to address HIB or discrimination in schools?

The following themes were regularly reported throughout the responses to the first question.

Responsiveness and Notification. Respondents reported that school districts do not follow the HIB procedures in place, or minimize instances of bullying so as not to draw attention to the event. Many reported a lack of notification when bullying initially occurred, and a lack of follow-up communication about how the incident was being addressed. Respondents requested that reports of bullying be taken more seriously and that communication be increased.

Severity of Consequences. Respondents reported a lack of consequences for students participating in bullying. They requested removing no-suspension policies, enacting zero-tolerance policies, and expelling students or involving the police in serious circumstances. Others requested consequences for the parent of the student participating in bullying, such as requiring them to participate in anti-bullying courses with their children.

One recurring complaint was that victims of bullying were removed or punished, rather than the student who participated in bullying. Some respondents requested anonymous reporting systems to avoid repercussions for students that report bullying.

Supervision. Respondents reported a lack of supervision, most commonly in non-classroom spaces. They requested increasing security cameras; adding recess, lunch, and bus monitors; and providing more mental health counselors. Some respondents suggested implementing smaller class sizes and reducing overcrowding to address the lack of supervision.

Training and Education. Respondents requested increased anti-bullying and inclusiveness training for all staff, and many requested similar educational opportunities for parents and students. Many also requested increased sensitivity training for staff regarding special needs students, LGBTQ+ students, and implicit bias.

Staff Behavior. Respondents reported bullying by and between teachers, staff, or administrators, and they requested policies and reporting systems to address this behavior. Some requested non-school district associated independent investigators to provide oversight and accountability.

Students with Disabilities. Many respondents reported bullying by or against students with disabilities. Some felt that students with disabilities were more frequently the victims of bullying, and some were concerned that the student could not report the bullying or that the report would not be taken seriously due to the student's status. Others felt that students with disabilities were not adequately disciplined for participating in bullying because of their status.

Information that would be Helpful to Parents and Guardians. The second question was: What, if any, other information would be helpful to know to address HIB or discrimination in schools?

Parents and guardians responded to this question in two ways. One group provided additional information they felt would be helpful for the Senate to know. This information was similar to the responses summarized for the first open-ended question, so it has not been duplicated here.

The other group provided feedback on what information would be helpful for parents and guardians to know. The themes from this group have been summarized below.

Policy and Process Information. One common complaint was that school districts use privacy concerns as a method to prevent disclosure when bullying has been reported. As a result, respondents did not feel like they had the information necessary to hold teachers or administrators accountable.

Many respondents reported that additional information on the school district policies around HIB would be valuable, including initial contacts for reporting HIB; a detailed timeline of the response process; and next steps for holding administrators accountable when the timeline is not followed.

Respondents also requested that this information be more easily available, and they suggested distributing it to parents and guardians at the beginning of each school year, placing reporting forms in each school's front office, and providing an easily accessible link on the front page of each school's website. One respondent requested that the information be provided in multiple languages.

HIB Data Sharing. Many respondents requested that schools measure and share HIB data on a regular basis. Respondents requested overall HIB data, including the number of reported incidents; the demographic information of those involved in such incidents (including highly capable, socio-economic, and special education measures); and the differences in HIB reporting numbers between

teachers and administrators. Respondents also requested data on the type of training teachers receive and what anti-bullying strategies are used.

Assistance to Parents and Students. Many respondents requested additional supports for students, including resources on preventative measures and mediation strategies, free counseling, and free legal advice. Others asked for student-friendly information that differentiated between mean behavior and bullying, using examples and language that are age-appropriate.

Appendix A: Healthy Youth Survey - Grades 6, 8, 10, and 12⁵⁹



Healthy Youth Survey Fact Sheet

Bullying and Harassment for Washington State

Year: 2018 Grade: 6 Gender: All Number of Students Surveyed: 9,604

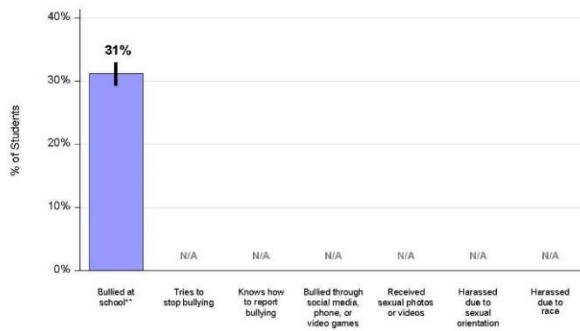
Background:

- All Washington schools are required, at a minimum, to implement state model policy and procedures which prohibit harassment, intimidation and bullying.
- Bullying is intentional, repeated, negative behavior on the part of an aggressor or aggressors toward a target or targets. It also involves a perceived power imbalance of some kind.
- Students who report being bullied or harassed also report getting lower grades in school.
- Researchers have identified evidence-based programs which reduce bullying and harassment and help build positive school climates.

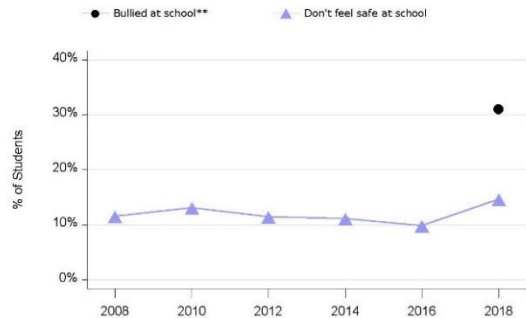
For More Information:

- School Safety Center, sponsored by the Office of Superintendent of Public Instruction at: www.k12.wa.us/safetycenter.

**Bullying and Harassment
Grade 6, 2018**

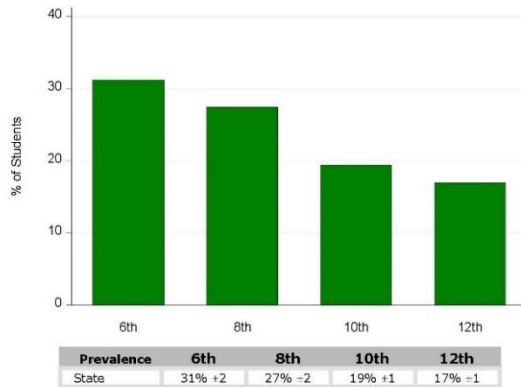


Bullying and Harassment Trends, Grade 6



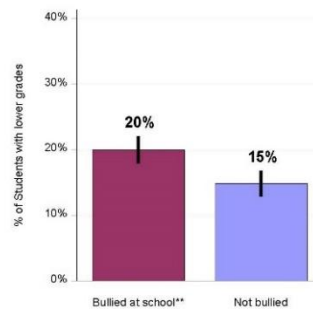
Prevalence	2008	2010	2012	2014	2016	2018
Bullied at school**	N/S	N/S	N/S	N/S	N/S	31% ±2
Don't feel safe at school	12% ±1	13% ±1	12% ±1*	11% ±1	10% ±1	15% ±1*

**Bullied in Past Month
Statewide/All Grades, 2018**



Prevalence	6th	8th	10th	12th
State	31% ±2	27% ±2	19% ±1	17% ±1

**Statewide Relationship between
Lower Grades and Bullying
Grade 6, 2018**



Statewide, more 6th graders who are bullied at school report lower grades in school (C's, D's or F's) compared to those who aren't bullied.

**In 2018, bullying is defined as when one or more students threaten, spread rumors about, hit, shove, or otherwise hurt another student over and over again. It is not bullying when two students of about the same strength or power argue or fight or tease each other in a friendly way.

Prevalence is displayed with 95% confidence intervals (as ± or black bar |)
*Indicates a significant change from the previous year, p<0.05

Washington HYS results generated at AskHYS.net on 03-04-2019

Missing codes: S = result suppressed due to insufficient reporting from students of schools; N/G = grade not available; N/S = question was not surveyed this year; N/A = question was not asked of this grade.

⁵⁹ Additional fact sheets can be found on the Healthy Youth Survey website, <https://www.askhys.net/FactSheets>. Fact sheets can be displayed by state, ESD, and county.



Healthy Youth Survey Fact Sheet

Bullying and Harassment for Washington State

Year: 2018 Grade: 8 Gender: All Number of Students Surveyed: 8,895

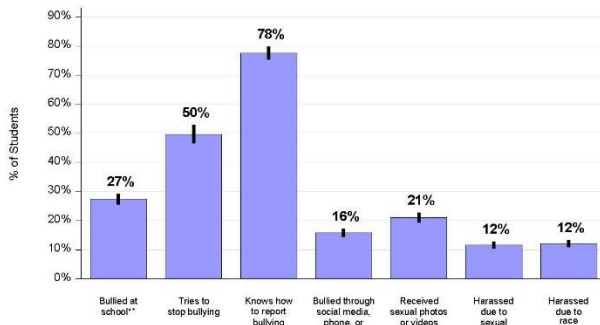
Background:

- All Washington schools are required, at a minimum, to implement state model policy and procedures which prohibit harassment, intimidation and bullying.
- Bullying is intentional, repeated, negative behavior on the part of an aggressor or aggressors toward a target or targets. It also involves a perceived power imbalance of some kind.
- Students who report being bullied or harassed also report getting lower grades in school.
- Researchers have identified evidence-based programs which reduce bullying and harassment and help build positive school climates.

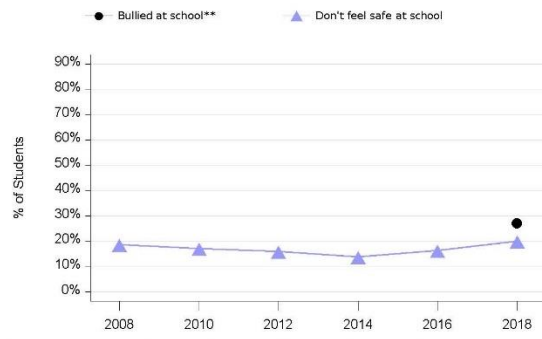
For More Information:

- School Safety Center, sponsored by the Office of Superintendent of Public Instruction at: www.k12.wa.us/safetycenter.

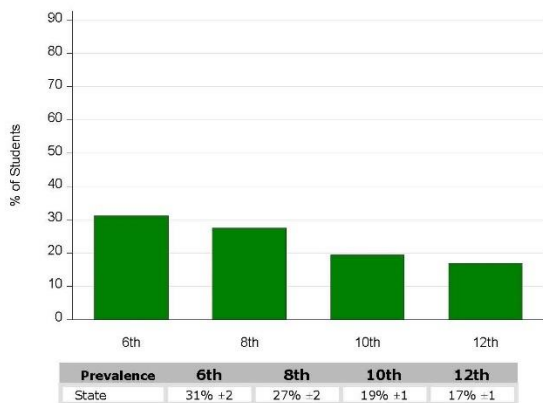
Bullying and Harassment Grade 8, 2018



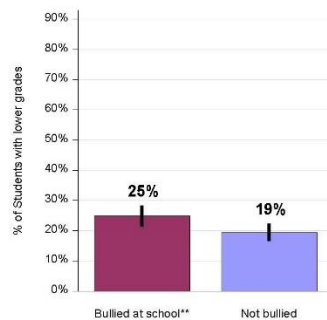
Bullying and Harassment Trends, Grade 8



Bullied in Past Month Statewide/All Grades, 2018



Statewide Relationship between Lower Grades and Bullying Grade 8, 2018



Statewide, more 8th graders who are bullied at school report lower grades in school (C's, D's or F's) compared to those who aren't bullied.

**In 2018, bullying is defined as when one or more students threaten, spread rumors about, hit, shove, or otherwise hurt another student over and over again. It is not bullying when two students of about the same strength or power argue or fight or tease each other in a friendly way.

Prevalence is displayed with 95% confidence intervals (as ± or black bar)
 *indicates a significant change from the previous year, p<0.05

Washington HYS results generated at AskHYS.net on 03-04-2019

Missing codes: S = result suppressed due to insufficient reporting from students of schools; N/G = grade not available; N/S = question was not surveyed this year; N/A = question was not asked of this grade.



Healthy Youth Survey Fact Sheet

Bullying and Harassment for Washington State

Year: 2018 Grade: 10 Gender: All Number of Students Surveyed: 8,096

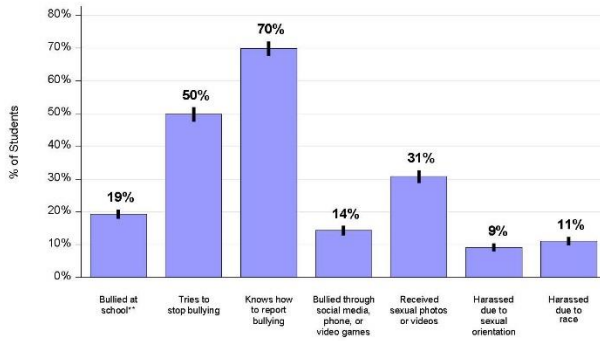
Background:

- All Washington schools are required, at a minimum, to implement state model policy and procedures which prohibit harassment, intimidation and bullying.
- Bullying is intentional, repeated, negative behavior on the part of an aggressor or aggressors toward a target or targets. It also involves a perceived power imbalance of some kind.
- Students who report being bullied or harassed also report getting lower grades in school.
- Researchers have identified evidence-based programs which reduce bullying and harassment and help build positive school climates.

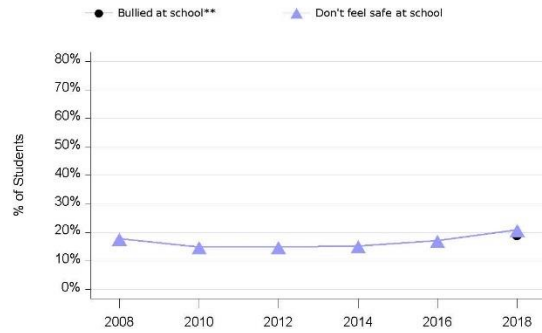
For More Information:

- School Safety Center, sponsored by the Office of Superintendent of Public Instruction at: www.k12.wa.us/safetycenter.

**Bullying and Harassment
Grade 10, 2018**

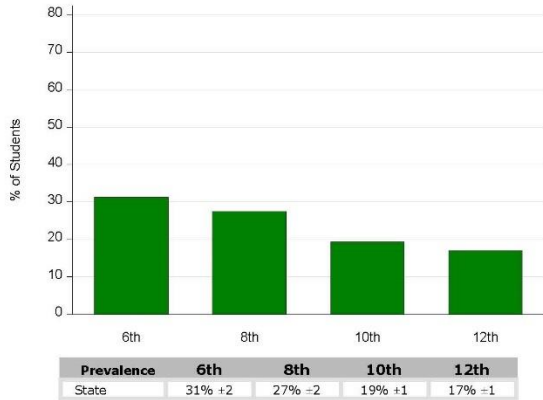


Bullying and Harassment Trends, Grade 10

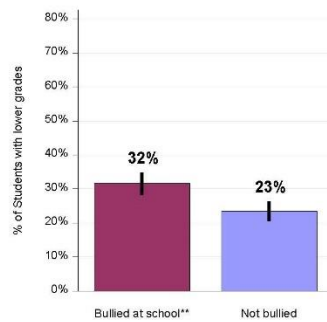


Prevalence	2008	2010	2012	2014	2016	2018
Bullied at school**	N/S	N/S	N/S	N/S	N/S	19% ±1
Don't feel safe at school	18% ±3	15% ±2	15% ±2	15% ±3	17% ±2	21% ±3*

**Bullied in Past Month
Statewide/All Grades, 2018**



**Statewide Relationship between
Lower Grades and Bullying
Grade 10, 2018**



Statewide, more 10th graders who are bullied at school report lower grades in school (C's, D's or F's) compared to those who aren't bullied.

**In 2018, bullying is defined as when one or more students threaten, spread rumors about, hit, shove, or otherwise hurt another student over and over again. It is not bullying when two students of about the same strength or power argue or fight or tease each other in a friendly way.

Prevalence is displayed with 95% confidence intervals (as ± or black bar)
*indicates a significant change from the previous year, p<0.05

Washington HYS results generated at AskHYS.net on 03-04-2019

Missing codes: S = result suppressed due to insufficient reporting from students of schools; N/G = grade not available; N/S = question was not surveyed this year; N/A = question was not asked of this grade.



Healthy Youth Survey Fact Sheet

Bullying and Harassment for Washington State

Year: 2018 Grade: 12 Gender: All Number of Students Surveyed: 5,676

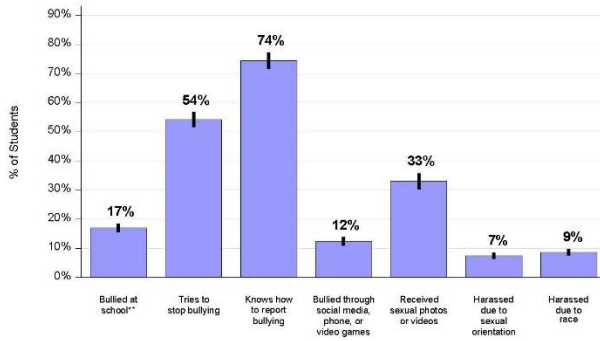
Background:

- All Washington schools are required, at a minimum, to implement state model policy and procedures which prohibit harassment, intimidation and bullying.
- Bullying is intentional, repeated, negative behavior on the part of an aggressor or aggressors toward a target or targets. It also involves a perceived power imbalance of some kind.
- Students who report being bullied or harassed also report getting lower grades in school.
- Researchers have identified evidence-based programs which reduce bullying and harassment and help build positive school climates.

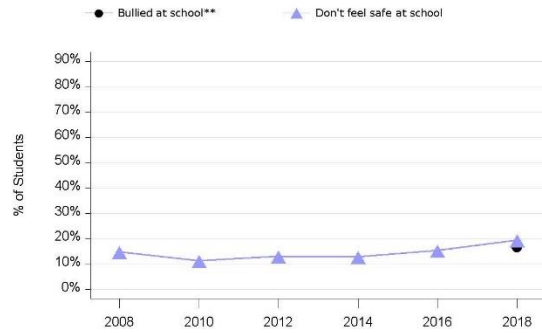
For More Information:

- School Safety Center, sponsored by the Office of Superintendent of Public Instruction at: www.k12.wa.us/safetycenter.

**Bullying and Harassment
Grade 12, 2018**

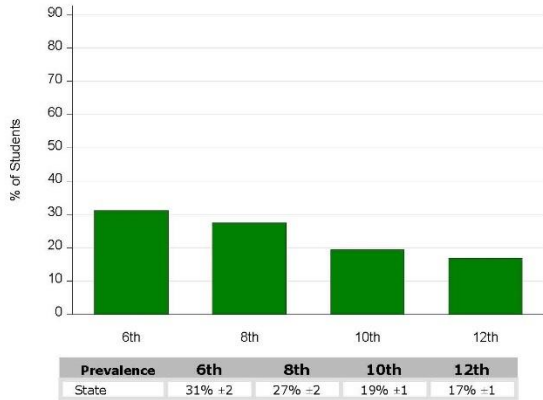


Bullying and Harassment Trends, Grade 12



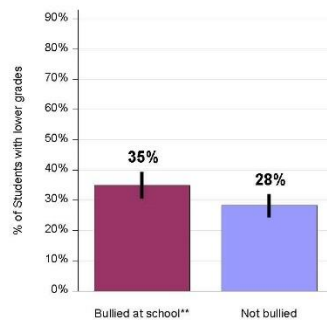
Prevalence	2008	2010	2012	2014	2016	2018
Bullied at school**	N/S	N/S	N/S	N/S	N/S	17% ±1
Don't feel safe at school	15% ±3	12% ±2	13% ±2	13% ±2	15% ±2	20% ±3*

**Bullied in Past Month
Statewide/All Grades, 2018**



Prevalence	6th	8th	10th	12th
State	31% ±2	27% ±2	19% ±1	17% ±1

**Statewide Relationship between
Lower Grades and Bullying
Grade 12, 2018**



Statewide, more 12th graders who are bullied at school report lower grades in school (C's, D's or F's) compared to those who aren't bullied.

**In 2018, bullying is defined as when one or more students threaten, spread rumors about, hit, shove, or otherwise hurt another student over and over again. It is not bullying when two students of about the same strength or power argue or fight or tease each other in a friendly way.

Prevalence is displayed with 95% confidence intervals (as ± or black bar)
*indicates a significant change from the previous year, p<0.05

Washington HYS results generated at AskHYS.net on 03-04-2019

Missing codes: S = result suppressed due to insufficient reporting from students of schools; N/G = grade not available; N/S = question was not surveyed this year; N/A = question was not asked of this grade.

Appendix B
Parent/Guardian Survey on
Harassment, Intimidation, Bullying, and Discrimination

The Washington State Senate Committee on Early Learning & K-12 Education would like to find out about parents and guardian's familiarity and experience with school district policies and procedures regarding harassment, intimidation, bullying, and discrimination.

Washington state law defines "harassment, intimidation, or bullying" as any intentional electronic, written, verbal, or physical act including, but not limited to, one shown to be motivated by distinguishing characteristics when the intentional electronic, written, verbal, or physical act:

- Physically harms a student or damages the student's property;
- Has the effect of substantially interfering with a student's education;
- Is so severe, persistent, or pervasive that it creates an intimidating or threatening educational environment; or
- Has the effect of substantially disrupting the orderly operation of the school.

State law prohibits discrimination in Washington public schools on the basis of race, creed, religion, color, national origin, honorably discharged veteran or military status, sex, sexual orientation including gender expression or identity, the presence of any sensory, mental or physical disability, or the use of a trained dog guide or service animal by a person with a disability.

1. What grade is your child in? (Choose one. If you have more than one child, you can complete a separate survey for each child.)

- Kindergarten
- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12

2. How many students attend your child's school, approximately?

- Under 200 students
- 200 to 400 students

- 400 to 600 students
- More than 600 students
- I don't know

3. Has your child's school notified you that harassment, intimidation, bullying, or discrimination is a problem at your child's school?

- Yes
- No

4. Has your child talked to you about observing harassment, intimidation, bullying, or discrimination of another student at your child's school?

- Yes
- No

5. To what extent is harassment, intimidation, or bullying a problem for your child at school.

- Not a problem
- Mild
- Moderate
- Severe
- I don't know

6. Has your child been harassed, intimidated, or bullied in school in the last six months?

- Yes
- Maybe
- No
- I don't know

7. To what extent is discrimination a problem for your child at school.

- Not a problem
- Mild
- Moderate
- Severe
- I don't know

8. Has your child been discriminated against in school in the last six months?

- Yes
- Maybe
- No
- I don't know

9. If yes, is the discrimination because of your child's (Choose all that apply):

- Race or color
- Religion or creed

- National origin
- Honorably discharged veteran or military status
- Sex
- Sexual orientation including gender identity or gender expression
- Any sensory, mental, or physical disability
- Use of a trained dog guide or service animal

10. Have you seen the school's policies and procedures regarding harassment, intimidation, bullying, and discrimination?

- Yes
- No

11. Are you aware of how to report complaints about harassment, intimidation, bullying, or discrimination?

- Yes
- No

12. Have you reported harassment, intimidation, bullying, or discrimination at your child's school?

- Yes
- No

13. If yes, who did you tell? (Choose all that apply.)

- Teacher
- Administrator
- Support staff
- Compliance officer
- Counselor
- Other: (Fill in the blank)

14. Do you feel satisfied with the strategies and programs that your child's school is using to prevent and manage harassment, intimidation, bullying, and discrimination?

- Very satisfied
- Satisfied
- Somewhat satisfied
- Unsatisfied
- Very unsatisfied

15. What, if any, additional steps would you like your child's school to take to prevent and manage harassment, intimidation, bullying, or discrimination in schools? (Fill in blank)

16. What, if any, other information would be helpful to know to address harassment, intimidation, bullying, or discrimination in schools? (Fill in blank)