

HOUSE BILL REPORT

HB 1244

As Reported By House Committee On:
Education

Title: An act relating to disciplining students for firearm possession at school.

Brief Description: Requiring a one-year expulsion from school for students carrying a firearm on school premises.

Sponsors: Representatives Brumsickle, Chappell, B. Thomas, Elliot, Campbell, Quall and Thompson.

Brief History:

Committee Activity:

Education: 2/17/95, 2/23/95 [DPS].

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 15 members: Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; G. Fisher; Fuhrman; Hatfield; McMahan; Quall; Smith; Talcott; B. Thomas and Thompson.

Minority Report: Do not pass. Signed by 4 members: Representatives Dickerson; Pelesky; Radcliff and Veloria.

Staff: Robert Butts (786-7111).

Background: Congress enacted the Gun Free Schools Act on October 20, 1994, as part of the Improving American's Schools Act of 1994 (the reauthorization of the Elementary and Secondary Education Act of 1964). Under the Gun Free Schools Act, each state must adopt a law requiring school districts to expel students from school for a minimum of one year if a student has a firearm on school grounds. If a state does not adopt the law by October 20, 1995, the state would lose federal funds provided to the state under the Elementary and Secondary Education Act.

Under current Washington State law, a school district is required to expel a student for carrying a firearm onto school grounds for an "indefinite period of time." The length of the period of expulsion varies in different school districts.

Summary of Substitute Bill: Students carrying firearms on school grounds must be expelled for a period of one year. However, the superintendent of the school district, educational service district, or state schools for the deaf or blind may modify the term of the expulsion on a case-by-case basis. If the student is expelled, the district may provide alternative educational programs. The requirement that a student be expelled must be interpreted in a manner consistent with the laws governing students with disabilities. Specific exemptions are provided for authorized military education, conventions, courses, or rifle competitions.

Substitute Bill Compared to Original Bill: The language requiring expulsion for one year is removed from the criminal code (Title 9 RCW) and placed in the education code (Title 28A RCW).

Language is added allowing expelled students to attend schools in alternative settings.

The entities that must expel students are clarified. The requirement does not apply to private schools. Educational service districts, the State School for the Deaf, the State School for the Blind, as well as public schools must expel students with firearms.

The federal definition of firearm is incorporated. This definition goes beyond the state definition and includes destructive devices such as bombs, grenades and missiles having a charge of more than one-quarter ounce.

Language is added stating that the requirement that a student be expelled should be interpreted in a manner consistent with the laws governing students with disabilities.

Appropriation: None.

Fiscal Note: Available.

Effective Date of Substitute Bill: Ninety days after adjournment of session in which bill is passed.

Testimony For: A strict policy prohibiting guns in schools has made a difference in Tacoma. The number of students carrying guns has dropped dramatically.

Testimony Against: Bringing guns to school is a symptom of the problem. We need to identify the real problems and address them. Students hear and see violence daily on television as a way to solve problems. We need additional funds for alternative programs for these students. Without viable alternatives, this bill will increase youth violence.

Testified: John Kvamme, Tacoma Public Schools (pro); Mark Della, Seattle Public Schools (pro with concerns); and Jill Tolliver and Kwame Garrett, students (con).