

2 E2SHB 1841 - S COMM AMD  
3 By Committee on Education

4 ADOPTED 4/15/97

5 Strike everything after the enacting clause and insert the  
6 following:

7 "NEW SECTION. Sec. 1. The legislature finds that the children of  
8 this state have the right to an effective public education and that  
9 both students and educators have the need to be safe and secure in the  
10 classroom if learning is to occur. The legislature also finds,  
11 however, that children in many of our public schools are forced to  
12 focus on the threat and message of violence contained in many aspects  
13 of our society and reflected through and in gang violence activities on  
14 school campuses.

15 The legislature recognizes that the prevalence of weapons,  
16 including firearms and dangerous knives, is an increasing problem that  
17 is spreading rapidly even to elementary schools throughout the state.  
18 Gang-related apparel and regalia compound the problem by easily  
19 concealing weapons that threaten and intimidate students and school  
20 personnel. These threats have resulted in tragic and unnecessary  
21 bloodshed over the past two years and must be eradicated from the  
22 system if student and staff security is to be restored on school  
23 campuses. Many educators believe that school dress significantly  
24 influences student behavior in both positive and negative ways.  
25 Special school dress up and color days signify school spirit and  
26 provide students with a sense of unity. Schools that have adopted  
27 school uniforms report a feeling of togetherness, greater school pride,  
28 and better student behavior in and out of the classroom. This sense of  
29 unity provides students with the positive attitudes needed to avert the  
30 pressures of gang involvement.

31 The legislature also recognizes there are other more significant  
32 factors that impact school safety such as the pervasive use of drugs  
33 and alcohol in school. In addition to physical safety zones, schools  
34 should also be drug-free zones that expressly prohibit the sale, use,  
35 or possession of illegal drugs on school property. Students involved  
36 in drug-related activity are unable to benefit fully from educational

1 opportunities and are disruptive to the learning environment of their  
2 fellow students. Schools must be empowered to make decisions that  
3 positively impact student learning by eradicating drug use and  
4 possession on their campuses. This flexibility should also be afforded  
5 to schools as they deal with other harmful substance abuse activities  
6 engaged in by their students.

7       Toward this end, the legislature recognizes the important role of  
8 the classroom teacher who must be empowered to restore discipline and  
9 safety in the classroom. Teachers must have the ability to control the  
10 conduct of students to ensure that their mission of educating students  
11 may be achieved. Disruptive behavior must not be allowed to continue  
12 to divert attention, time, and resources from educational activities.

13       The legislature therefore intends to define gang-related activities  
14 as criminal behavior disruptive not only to the learning environment  
15 but to society as a whole, and to provide educators with the authority  
16 to restore order and safety to the student learning environment,  
17 eliminate the influence of gang activities, and eradicate drug and  
18 substance abuse on school campuses, thus empowering educators to regain  
19 control of our classrooms and provide our students with the best  
20 educational opportunities available in our schools.

21       The legislature also finds that students and school employees have  
22 been subjected to violence such as rapes, assaults, or harassment that  
23 has not been gang or drug-related criminal activity. The legislature  
24 intends that all violence and harassment directed at students and  
25 school personnel be eradicated in public schools.

26       NEW SECTION.   **Sec. 2.**   A new section is added to chapter 28A.600  
27 RCW to read as follows:

28       (1) A student who is enrolled in a public school or an alternative  
29 school may be suspended or expelled if the student is a member of a  
30 criminal street gang and knowingly engages in a pattern of criminal  
31 gang activity.

32       (2) "Criminal street gang" means an ongoing organization,  
33 association, or group of three or more persons, whether formal or  
34 informal, that has as one of its primary activities the commission of  
35 a criminal act or acts, that has a common name, and whose members  
36 individually or collectively engage in or have engaged in a pattern of  
37 criminal gang activity.

1 (3) "Pattern of criminal gang activity" means the commission,  
2 attempted commission, or solicitation of two or more felony or  
3 misdemeanor offenses under the following conditions: (a) The offenses  
4 occur after the effective date of this section; (b) the last of the  
5 offenses occurs within one year after a prior offense; and (c) the  
6 offenses are committed on separate occasions.

7 NEW SECTION. **Sec. 3.** A new section is added to chapter 9A.46 RCW  
8 to read as follows:

9 A person commits the offense of criminal gang intimidation if the  
10 person threatens another person because the other person refuses to  
11 join or has attempted to withdraw from a criminal gang, as defined in  
12 section 2 of this act, if the person who threatens the victim or the  
13 victim attends or is registered in a public or alternative school.  
14 Criminal gang intimidation is a class C felony.

15 **Sec. 4.** RCW 28A.225.330 and 1995 c 324 s 2 and 1995 c 311 s 25 are  
16 each reenacted and amended to read as follows:

17 (1) When enrolling a student who has attended school in another  
18 school district, the school enrolling the student may request the  
19 parent and the student to briefly indicate in writing whether or not  
20 the student has:

- 21 (a) Any history of placement in special educational programs;
- 22 (b) Any past, current, or pending disciplinary action;
- 23 (c) Any history of violent behavior, or behavior listed in section  
24 7 of this act;
- 25 (d) Any unpaid fines or fees imposed by other schools; and
- 26 (e) Any health conditions affecting the student's educational  
27 needs.

28 (2) The school enrolling the student shall request the school the  
29 student previously attended to send the student's permanent record  
30 including records of disciplinary action, attendance, immunization  
31 records, and academic performance. If the student has not paid a fine  
32 or fee under RCW 28A.635.060, or tuition, fees, or fines at approved  
33 private schools the school may withhold the student's official  
34 transcript, but shall transmit information about the student's academic  
35 performance, special placement, immunization records, and records of  
36 disciplinary action. If the official transcript is not sent due to  
37 unpaid tuition, fees, or fines, the enrolling school shall notify both

1 the student and parent or guardian that the official transcript will  
2 not be sent until the obligation is met, and failure to have an  
3 official transcript may result in exclusion from extracurricular  
4 activities or failure to graduate.

5 (3) If information is requested under subsection (2) of this  
6 section, the information shall be transmitted within two school days  
7 after receiving the request and the records shall be sent as soon as  
8 possible. Any school district or district employee who releases the  
9 information in compliance with this section is immune from civil  
10 liability for damages unless it is shown that the school district  
11 employee acted with gross negligence or in bad faith. The state board  
12 of education shall provide by rule for the discipline under chapter  
13 28A.410 RCW of a school principal or other chief administrator of a  
14 public school building who fails to make a good faith effort to assure  
15 compliance with this subsection.

16 (4) Any school district or district employee who releases the  
17 information in compliance with federal and state law is immune from  
18 civil liability for damages unless it is shown that the school district  
19 or district employee acted with gross negligence or in bad faith.

20 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.195  
21 RCW to read as follows:

22 If a student who previously attended an approved private school  
23 enrolls in a public school but has not paid tuition, fees, or fines at  
24 the approved private school, the approved private school may withhold  
25 the student's official transcript, but shall transmit information to  
26 the public school about the student's academic performance, special  
27 placement, immunization records, and records of disciplinary action.

28 **Sec. 6.** RCW 28A.635.020 and 1981 c 36 s 1 are each amended to read  
29 as follows:

30 (1) It shall be unlawful for any person to willfully disobey the  
31 order of the chief administrative officer of a public school district,  
32 or of an authorized designee of any such administrator, to leave any  
33 motor vehicle, building, grounds or other property which is owned,  
34 operated or controlled by the school district if the person so ordered  
35 is under the influence of alcohol or drugs, or is committing, threatens  
36 to imminently commit or incites another to imminently commit any act  
37 which would disturb or interfere with or obstruct any lawful task,

1 function, process or procedure of the school district or any lawful  
2 task, function, process or procedure of any student, official, employee  
3 or invitee of the school district. The order of a school officer or  
4 designee acting pursuant to this subsection shall be valid if the  
5 officer or designee reasonably believes a person ordered to leave is  
6 under the influence of alcohol or drugs, is committing acts, or is  
7 creating a disturbance as provided in this subsection.

8 (2) It shall be unlawful for any person to refuse to leave public  
9 property immediately adjacent to a building, grounds or property which  
10 is owned, operated or controlled by a school district when ordered to  
11 do so by a law enforcement officer if such person is engaging in  
12 conduct which creates a substantial risk of causing injury to any  
13 person, or substantial harm to property, or such conduct amounts to  
14 disorderly conduct under RCW 9A.84.030.

15 (3) Nothing in this section shall be construed to prohibit or  
16 penalize activity consisting of the lawful exercise of freedom of  
17 speech, freedom of press and the right to peaceably assemble and  
18 petition the government for a redress of grievances: PROVIDED, That  
19 such activity neither does or threatens imminently to materially  
20 disturb or interfere with or obstruct any lawful task, function,  
21 process or procedure of the school district, or any lawful task,  
22 function, process or procedure of any student, official, employee or  
23 invitee of the school district: PROVIDED FURTHER, That such activity  
24 is not conducted in violation of a prohibition or limitation lawfully  
25 imposed by the school district upon entry or use of any motor vehicle,  
26 building, grounds or other property which is owned, operated or  
27 controlled by the school district.

28 (4) Any person guilty of violating this section shall be deemed  
29 guilty of a gross misdemeanor (~~((and, upon conviction therefor, shall be~~  
30 ~~fined not more than five hundred dollars, or imprisoned in jail for not~~  
31 ~~more than six months or both so fined and imprisoned))~~) punishable as  
32 provided in chapter 9A.20 RCW.

33 NEW SECTION. Sec. 7. A new section is added to chapter 13.04 RCW  
34 to read as follows:

35 (1) Whenever a minor enrolled in any common school is convicted in  
36 adult criminal court, or adjudicated or entered into a diversion  
37 agreement with the juvenile court on any of the following offenses, the  
38 court must notify the principal of the student's school of the

1 disposition of the case, after first notifying the parent or legal  
2 guardian that such notification will be made:

3 (a) A violent offense as defined in RCW 9.94A.030;

4 (b) A sex offense as defined in RCW 9.94A.030;

5 (c) Inhaling toxic fumes under chapter 9.47A RCW;

6 (d) A controlled substances violation under chapter 69.50 RCW;

7 (e) A liquor violation under RCW 66.44.270; and

8 (f) Any crime under chapters 9A.36, 9A.40, 9A.46, and 9A.48 RCW.

9 (2) The principal must provide the information received under  
10 subsection (1) of this section to every teacher of any student who  
11 qualifies under subsection (1) of this section and any other personnel  
12 who, in the judgment of the principal, supervises the student or for  
13 security purposes should be aware of the student's record. The  
14 principal must provide the information to teachers and other personnel  
15 based on any written records that the principal maintains or receives  
16 from a juvenile court administrator or a law enforcement agency  
17 regarding the student.

18 (3) Any information received by a principal or school personnel  
19 under this section is confidential and may not be further disseminated  
20 except as provided in RCW 28A.225.330, other statutes or case law, and  
21 the family and educational and privacy rights act of 1994, 20 U.S.C.  
22 Sec. 1232g et seq.

23 NEW SECTION. **Sec. 8.** A new section is added to chapter 13.50 RCW  
24 to read as follows:

25 Records of disposition for a juvenile offense must be provided to  
26 schools as provided in section 7 of this act.

27 NEW SECTION. **Sec. 9.** A new section is added to chapter 28A.600  
28 RCW to read as follows:

29 (1) School district boards of directors shall adopt policies that  
30 restore discipline to the classroom. Such policies must provide for at  
31 least the following: Allowing each teacher to take disciplinary action  
32 to correct a student who disrupts normal classroom activities, abuses  
33 or insults a teacher as prohibited by RCW 28A.635.010, willfully  
34 disobeys a teacher, uses abusive or foul language directed at a school  
35 district employee, school volunteer, or another student, violates  
36 school rules, or who interferes with an orderly education process.  
37 Disciplinary action may include but is not limited to: Oral or written

1 reprimands; written notification to parents of disruptive behavior, a  
2 copy of which must be provided to the principal.

3 (2) A student committing an offense under chapter 9A.36, 9A.40,  
4 9A.46, or 9A.48 RCW when the activity is directed toward the teacher,  
5 shall not be assigned to that teacher's classroom for the duration of  
6 the student's attendance at that school or any other school where the  
7 teacher is assigned.

8 (3) A student who commits an offense under chapter 9A.36, 9A.40,  
9 9A.46, or 9A.48 RCW, when directed toward another student, may be  
10 removed from the classroom of the victim for the duration of the  
11 student's attendance at that school or any other school where the  
12 victim is enrolled. A student who commits an offense under one of the  
13 chapters enumerated in this section against a student or another school  
14 employee, may be expelled or suspended.

15 (4) Nothing in this section is intended to limit the authority of  
16 a school under existing law and rules to expel or suspend a student for  
17 misconduct or criminal behavior.

18 (5) All school districts must collect data on disciplinary actions  
19 taken in each school. The information shall be made available to the  
20 public upon request. This collection of data shall not include  
21 personally identifiable information including, but not limited to, a  
22 student's social security number, name, address, or any of the  
23 qualifiers listed in this subsection, if such information would enable  
24 a student to be individually identified.

25 NEW SECTION. **Sec. 10.** A new section is added to chapter 28A.320  
26 RCW to read as follows:

27 School district boards of directors may adopt policies that limit  
28 the possession of (1) paging telecommunication devices by students that  
29 emit audible signals, vibrate, display a message, or otherwise summons  
30 or delivers a communication to the possessor, and (2) portable or  
31 cellular telephones.

32 **Sec. 11.** RCW 28A.600.020 and 1990 c 33 s 497 are each amended to  
33 read as follows:

34 (1) The rules adopted pursuant to RCW 28A.600.010 shall be  
35 interpreted to insure that the optimum learning atmosphere of the  
36 classroom is maintained, and that the highest consideration is given to

1 the judgment of qualified certificated educators regarding conditions  
2 necessary to maintain the optimum learning atmosphere.

3 (2) Any student who creates a disruption of the educational process  
4 in violation of the building disciplinary standards while under a  
5 teacher's immediate supervision may be excluded by the teacher from his  
6 or her individual classroom and instructional or activity area for all  
7 or any portion of the balance of the school day, or up to the following  
8 two days, or until the principal or designee and teacher have  
9 conferred, whichever occurs first(~~(:—PROVIDED, That)~~). Except in  
10 emergency circumstances, the teacher ((shall have)) first ((attempted))  
11 must attempt one or more alternative forms of corrective action(~~(:—~~  
12 ~~PROVIDED FURTHER, That)~~). In no event without the consent of the  
13 teacher ((shall)) may an excluded student ((be returned)) return to  
14 the class during the balance of that class or activity period or up to  
15 the following two days, or until the principal or his or her designee  
16 and the teacher have conferred.

17 (3) In order to preserve a beneficial learning environment for all  
18 students and to maintain good order and discipline in each classroom,  
19 every school district board of directors shall provide that written  
20 procedures are developed for administering discipline at each school  
21 within the district. Such procedures shall be developed with the  
22 participation of parents and the community, and shall provide that the  
23 teacher, principal or designee, and other authorities designated by the  
24 board of directors, make every reasonable attempt to involve the parent  
25 or guardian and the student in the resolution of student discipline  
26 problems. Such procedures shall provide that students may be excluded  
27 from their individual classes or activities for periods of time in  
28 excess of that provided in subsection (2) of this section if such  
29 students have repeatedly disrupted the learning of other students(~~(:—~~  
30 ~~PROVIDED, That)~~). The procedures ((are)) must be consistent with the  
31 ((regulations)) rules of the state board of education and must provide  
32 for early involvement of parents in attempts to improve the student's  
33 behavior(~~(:—PROVIDED FURTHER, That pursuant to RCW 28A.400.110,)~~).

34 (4) The procedures shall assure, pursuant to RCW 28A.400.110, that  
35 all staff work cooperatively toward consistent enforcement of proper  
36 student behavior throughout each school as well as within each  
37 classroom.



1 (5) A principal shall consider imposing long-term suspension or  
2 expulsion as a sanction when deciding the appropriate disciplinary  
3 action for a student who, after the effective date of this section:

4 (a) Engages in two or more violations within a three-year period of  
5 section 2, 3, 9, or 10 of this act, RCW 28A.635.020, 28A.600.020,  
6 28A.635.060, 9.41.280, or 28A.320.140; or

7 (b) Engages in one or more of the offenses listed in section 7 of  
8 this act.

9 The principal shall communicate the disciplinary action taken by  
10 the principal to the school personnel who referred the student to the  
11 principal for disciplinary action.

12 **Sec. 12.** RCW 28A.400.110 and 1990 c 33 s 379 are each amended to  
13 read as follows:

14 Within each school the school principal shall determine that  
15 appropriate student discipline is established and enforced. In order  
16 to assist the principal in carrying out the intent of this section, the  
17 principal and the certificated employees in a school building shall  
18 confer at least annually in order to develop and/or review building  
19 disciplinary standards and uniform enforcement of those standards.  
20 Such building standards shall be consistent with the provisions of RCW  
21 28A.600.020(3).

22 School principals and certificated employees shall also confer  
23 annually, to establish criteria for determining when certificated  
24 employees must complete classes to improve classroom management skills.

25 **Sec. 13.** RCW 28A.635.060 and 1994 c 304 s 1 are each amended to  
26 read as follows:

27 (1) Any pupil who (~~shall~~) defaces or otherwise injures any school  
28 property, (~~shall be liable~~) or property belonging to a school  
29 contractor, employee, or another student, is subject to suspension and  
30 punishment. If any property of the school district (~~whose property~~),  
31 a contractor of the district, an employee, or another student has been  
32 lost or willfully cut, defaced, or injured, the school district may  
33 withhold the grades, diploma, and transcripts of the pupil responsible  
34 for the damage or loss until the pupil or the pupil's parent or  
35 guardian has paid for the damages. If the student is suspended, the  
36 student may not be readmitted until the student or parents or legal  
37 guardian has made payment in full or until directed by the

1 superintendent of schools. If the property damaged is a school bus  
2 owned and operated by or contracted to any school district, a student  
3 suspended for the damage may not be permitted to enter or ride any  
4 school bus until the student or parent or legal guardian has made  
5 payment in full or until directed by the superintendent. When the  
6 pupil and parent or guardian are unable to pay for the damages, the  
7 school district shall provide a program of voluntary work for the pupil  
8 in lieu of the payment of monetary damages. Upon completion of  
9 voluntary work the grades, diploma, and transcripts of the pupil shall  
10 be released. The parent or guardian of such pupil shall be liable for  
11 damages as otherwise provided by law.

12 (2) Before any penalties are assessed under this section, a school  
13 district board of directors shall adopt procedures which insure that  
14 pupils' rights to due process are protected.

15 (3) If the department of social and health services or a child-  
16 placing agency licensed by the department has been granted custody of  
17 a child, that child's records, if requested by the department or  
18 agency, are not to be withheld for nonpayment of school fees or any  
19 other reason.

20 **Sec. 14.** RCW 28A.320.140 and 1994 sp.s. c 7 s 612 are each amended  
21 to read as follows:

22 (1) School district boards of directors may establish schools or  
23 programs which parents may choose for their children to attend in  
24 which: (a) Students are required to conform to dress and grooming  
25 codes, including requiring that students wear uniforms; (b) parents are  
26 required to participate in the student's education; or (c) discipline  
27 requirements are more stringent than in other schools in the district.

28 (2) School district boards of directors may establish schools or  
29 programs in which: (a) Students are required to conform to dress and  
30 grooming codes, including requiring that students wear uniforms; (b)  
31 parents are regularly counseled and encouraged to participate in the  
32 student's education; or (c) discipline requirements are more stringent  
33 than in other schools in the district. School boards may require that  
34 students who are subject to suspension or expulsion attend these  
35 schools or programs as a condition of continued enrollment in the  
36 school district.

37 (3) If students are required to wear uniforms in these programs or  
38 schools, school districts shall accommodate students so that the

1 uniform requirement is not an unfair barrier to school attendance and  
2 participation.

3 (4) Nothing in this section impairs or reduces in any manner  
4 whatsoever the authority of a board under other law to impose a dress  
5 and appearance code. However, if a board requires uniforms under such  
6 other authority, it shall accommodate students so that the uniform  
7 requirement is not an unfair barrier to school attendance and  
8 participation.

9 (5) School district boards of directors may adopt dress and  
10 grooming code policies which prohibit students from wearing gang-  
11 related apparel. If a dress and grooming code policy contains this  
12 provision, the school board must also establish policies to notify  
13 students and parents of what clothing and apparel is considered to be  
14 gang-related apparel. This notice must precede any disciplinary action  
15 resulting from a student wearing gang-related apparel.

16 (6) School district boards of directors may not adopt a dress and  
17 grooming code policy which precludes students who participate in  
18 nationally recognized youth organizations from wearing organization  
19 uniforms on days that the organization has a scheduled activity or  
20 prohibit students from wearing clothing in observance of their  
21 religion.

22 NEW SECTION. Sec. 15. If any provision of this act or its  
23 application to any person or circumstance is held invalid, the  
24 remainder of the act or the application of the provision to other  
25 persons or circumstances is not affected."

26 **E2SHB 1841** - S COMM AMD  
27 By Committee on Education

28 ADOPTED 4/15/97

29 On page 1, line 1 of the title, after "safety;" strike the  
30 remainder of the title and insert "amending RCW 28A.635.020,  
31 28A.600.020, 28A.400.110, 28A.635.060, and 28A.320.140; reenacting and  
32 amending RCW 28A.225.330; adding new sections to chapter 28A.600 RCW;  
33 adding a new section to chapter 9A.46 RCW; adding a new section to  
34 chapter 28A.195 RCW; adding a new section to chapter 13.04 RCW; adding

1 a new section to chapter 13.50 RCW; adding a new section to chapter  
2 28A.320 RCW; creating a new section; and prescribing penalties."

--- END ---