

SENATE BILL REPORT

EHB 1581

As Reported By Senate Committee On:
Education, April 3, 1997

Title: An act relating to schools.

Brief Description: Changing provisions relating to disruptive students and offenders in schools.

Sponsors: Representatives Sterk, Quall, Cooper, Hatfield, Kastama, Talcott, Robertson, D. Schmidt, Sump, Mulliken, Johnson, Smith, Crouse, Boldt, Dunn, Sheahan, Schoesler, Carrell, Thompson, Honeyford, Bush, Keiser, Kessler and Morris.

Brief History:

Committee Activity: Education: 3/27/97, 4/3/97 [DPA, DNP].

SENATE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended.

Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Johnson, Rasmussen and Zarelli.

Minority Report: Do not pass.

Signed by Senator McAuliffe.

Staff: Susan Mielke (786-7422)

Background: Juvenile Sex Offenders. At least 30 days before the release or transfer of a juvenile sex offender from a state juvenile institution, the Department of Social and Health Services (DSHS) must notify the approved private schools and the public school board of the district in which the offender intends to reside or last attended school, whichever is appropriate. The offender may not attend the same public elementary, middle, or high school as the victim. Parents of the offender are responsible for the costs of transporting the offender to another school.

Some juvenile sex offenders are not committed to a state juvenile institution. Instead, they receive a Special Sex Offender Disposition Alternative (SSODA). Under a SSODA, the offenders are treated in the community and placed under community supervision. The notification requirement and prohibition on attending the same school as the victim does not apply to these juvenile sex offenders.

Other Juvenile Offenders. When a juvenile violent or stalking offender is transferred to a community residential facility, DSHS must notify the approved private schools and the public school board of the district in which the offender intends to reside or last attended school, whichever is appropriate. There is no school notification requirement for other juvenile offenders transferred to residential facilities.

Nonresident Students. School districts must adopt policies establishing rational, fair, and equitable standards for accepting or rejecting nonresident students. The districts must consider all applicants equally. A school district may reject a nonresident student if acceptance of the student would create a financial hardship for the district.

Firearms on School Property. A student who improperly brings a firearm onto school property may be expelled for at least one year.

Summary of Amended Bill: Selected statutes addressing juvenile offenders, nonresident students and firearms on school property are modified. Technical changes are made.

Juvenile Sex Offenders. At least 30 days before the release or transfer of a juvenile sex offender, DSHS must notify any approved private school the offender will attend, if known, or the approved private schools within the district in which the offender resides. The prohibition on a juvenile sex offender attending the same public school as the victim is extended so that an offender may not attend the same public or approved private school as the victim or the victim's siblings.

Within ten calendar days after entry of a SSODA, the court must notify the public or private school the offender will attend, if known, or the approved private schools and the public school board of the district in which the juvenile resides or intends to reside. Juvenile sex offenders who receive a SSODA may not attend the same public or private school as the victim or the victim's siblings.

Other Juvenile Offenders. When any juvenile offender is transferred to a community residential facility, DSHS must notify the approved private schools and the public school board of the district in which the offender intends to reside or last attended school, whichever is appropriate.

Nonresident Students. A school district may refuse to admit a nonresident student if the student's disciplinary records indicate a history of violent behavior, disruptive behavior, gang membership, or expulsion or suspension for more than ten consecutive days from a public school. A gang is defined.

Firearms on School Property. A student may be suspended or expelled for up to one year for acting with malice and displaying a firearm look-alike manner while on school property.

Amended Bill Compared to Original Bill: The striking amendment clarifies that the notice sent by the court prohibiting a juvenile sex offender's attendance at the same school as the victim or the victim's siblings must go to the private schools approved by the State Board, not unapproved private schools. Language is substituted that is defined in the criminal code so that a student would have to act with malice— when displaying a look-alike gun before being suspended or expelled. The emergency clause is deleted.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: The general public is concerned about school safety. This bill helps protect students and teachers from gang members who are at school only for the purpose of selling drugs and recruiting new members. It makes sense not to place a sex offender at the same school as the victim or the victim's siblings. To put them in the same school creates a potential for disruption. Schools need a full history on nonresident students who transfer into the school, not just snippets of information. Schools need to be able to control conditions for the re-admittance of nonresident students who have been expelled to prevent a student from shopping around for a school that will take them. The provision allowing principals to remove trespassers from the school grounds should be broader so that principals could toss youth who do not attend at the school off the school grounds before and after school is in session. Many schools already do these things, but lose when questioned because the school is not supported by law.

Testimony Against: While the intent of this bill is to control gang violence, it is written too broadly. This bill could negatively impact special education students with difficult behaviors, and allow schools not to serve such students.

Testified: Cindy Orton (con on part); Joe Pope, AWSP (pro); Martha Kuiss, PVIN-Olympia (pro); Doug Boushey, PRIV-Kent (pro); Barbara Mertens, WASA (pro); Dwayne Slate, WSSDA (pro); Judy Hartmann, WEA (pro).