

SENATE BILL REPORT

E2SHB 1841

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

Title: An act relating to school safety.

Brief Description: Adopting provisions to improve school safety.

Sponsors: House Committee on Criminal Justice & Corrections (originally sponsored by Representatives Honeyford, Linville, Clements, Carrell, Mielke, Benson, Mitchell, Hickel, Sheahan, Dunn, Skinner, Johnson, L. Thomas and Backlund).

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: Several state statutes address criminal offenses, student discipline, sharing of student information, and student dress codes.

Refusal to Leave School Grounds. It is a misdemeanor to willfully disobey a school administrator's order to leave school grounds under certain circumstances. A violation is punishable by up to 90 days in jail or a fine up to \$1,000, or both.

Sharing Student Information. Student information may be exchanged between law enforcement, juvenile court officials, and school districts under certain circumstances.

Transfer Students. When a student transfers to another school, information regarding the student's placement in special education programs, disciplinary action, or violent behavior must be provided to the new school. If the student has not paid a fine or a fee, the school may withhold the transferring student's official transcript until the amount is paid.

Exclusion From Classroom. A teacher may exclude a disruptive student from the classroom for up to a day, or until the principal and teacher have conferred, whichever occurs first. Prior to excluding the student, the teacher must attempt one or more alternative forms of corrective action, except in emergencies. A student may be excluded from a classroom for longer periods of time if the student has repeatedly disrupted the classroom.

Damaging School Property. A student who defaces school property may be suspended. The school may withhold the student's grades, diploma, and transcripts until the student or the student's parent has paid for the damage. If the parent and student are unable to pay, the school must provide a voluntary work program in lieu of payment.

Weapons on School Grounds. It is a gross misdemeanor to carry dangerous weapons, such as firearms, spring-blade knives, throwing stars, and nun-chu-ka sticks onto public or private school grounds. A violation is punishable by up to one year in jail or up to a \$5,000 fine, or both. If the violator is a student, the student may be expelled.

Dress Codes. School districts, schools, and programs may impose a dress and appearance code if students are accommodated so that the dress code does not create an unfair barrier to participation.

Summary of Amended Bill: Several statutes addressing criminal offenses, student discipline, student records, and student dress codes are amended. Additionally, schools are authorized to discipline students for criminal street gang activity and limit student use of cellular phones and pagers on school grounds. A new crime of gang intimidation is created.

Refusal to Leave School Grounds. The crime of willfully refusing to leave school grounds is raised to a gross misdemeanor, punishable by up to one year in jail, or a fine up to \$5,000, or both.

Sharing Student Information. The juvenile court administrator must notify the parents and school principal when a student is convicted or adjudicated of certain violent, sex, drug, or alcohol offenses or enters into a diversion agreement. The principal must provide such information to the student's teachers, supervisors, and security personnel who need to know. The information may not be further disseminated unless allowed by law.

Transfer Students. When a student transfers to another school, the student information that must be provided to the new school is expanded to include immunization, attendance and academic performance records.

If a student is transferring from an approved private school and did not pay tuition, fees, or fines, the private school may withhold the student's transcript.

Exclusion From Classroom. Schools must adopt policies to restore discipline to the classroom. The policies must allow teachers to take disciplinary action to correct a student who disrupts classroom activities. If a student commits certain violent or harassing criminal offenses against a teacher or another student, the student offender may not be assigned to the same classroom as the teacher or student victim.

A teacher may exclude a disruptive student from the classroom for the day of the violation and two more days, or until the principal and teacher have conferred, whichever occurs first. The student may not return to the classroom without the teacher's consent.

School principals and teachers must annually confer to establish criteria to determine when teachers must complete classes in classroom management skills.

A principal must consider long-term suspension or expulsion if a student violates certain laws within a three-year period.

School districts must collect data on disciplinary actions taken in each school and make the information public on request.

Damaging School Property. A student may be suspended for damaging property belonging to the school, a contractor, a school employee, or another student. The student may not be readmitted until payment has been made for the damage, or until directed by the district's superintendent. The district may withhold the student's grades, diploma, or transcripts until payment is made. If the property damaged is a school bus, the student may not ride on a school bus until payment is made or the superintendent readmits the student. The school may still provide a work program in lieu of payment of money.

Dress Codes. School districts may adopt policies prohibiting gang-related apparel. The school must notify students and parents of what is considered to be gang related apparel prior to imposing disciplinary action against a student for wearing such apparel.

Gang Activity. A student may be suspended or expelled if the student is a member of a criminal street gang and knowingly engages in a pattern of criminal gang activity. "Criminal street gang" and "pattern of criminal gang activity" are defined in section 2.

A new crime of "gang intimidation" is created. A student who threatens another student for refusing to join or attempting to withdraw from a criminal gang commits the crime of gang intimidation. Gang intimidation is a class C felony and is punishable by up to five years imprisonment or a fine up to a \$10,000, or both.

Pagers and Cellular Phones. School districts may adopt policies that limit possession of pagers or cellular phones.

Amended Bill Compared to Substitute Bill: The striking amendment deletes language so that when a nonresident student enrolls at a new school, the former school is not required to send the student's health records. The court is required to notify a school principal when a student is convicted, adjudicated, or enters into a diversion agreement, but not when a student is charged. Prior to notifying the school, the student's parent or legal guardian must be notified of the school's notification. The specific data required to be collected on disciplinary actions is deleted, although school districts are required to collect data on disciplinary actions. The collection of data by school districts cannot include personally identifiable information including, but not limited to the student's social security number, name or address. Language is deleted which makes it unlawful to carry any knife capable of being used to inflict serious bodily injury, including a pocket knife. It is still unlawful to carry certain knives (switchblade, dagger, or dirk) on school grounds. A student may be disciplined for using abusive or foul language toward any school district employee or school volunteer in addition to teachers or other students. The principal must report the disciplinary action taken to the school employee who referred the student to the principal for disciplinary action. The emergency clause is deleted. Technical amendments are made.

Appropriation: None.

Fiscal Note: Available. New fiscal note requested on March 24, 1997.

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