
HOUSE BILL 1841

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By Representatives Honeyford, Linville, Clements, Carrell, Mielke, Benson, Mitchell, Hickel, Sheahan, Dunn, Skinner, Johnson, L. Thomas and Backlund

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1 AN ACT Relating to school safety; amending RCW 28A.635.020,
2 28A.600.020, 28A.635.060, and 9.41.280; reenacting and amending RCW
3 28A.225.330; adding a new section to chapter 9A.28 RCW; adding a new
4 section to chapter 9A.46 RCW; adding a new section to chapter 13.04
5 RCW; adding a new section to chapter 13.50 RCW; adding new sections to
6 chapter 28A.600 RCW; adding new sections to chapter 28A.320 RCW;
7 creating a new section; prescribing penalties; and declaring an
8 emergency.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

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

18 The legislature recognizes that the prevalence of weapons,
19 including firearms and dangerous knives, is an increasing problem that

1 is spreading rapidly even to elementary schools throughout the state.
2 Gang-related apparel and regalia compound the problem by easily
3 concealing weapons that threaten and intimidate students and school
4 personnel. These threats have resulted in tragic and unnecessary
5 bloodshed over the past two years and must be eradicated from the
6 system if student and staff security is to be restored on school
7 campuses. Many educators believe that school dress significantly
8 influences student behavior in both positive and negative ways.
9 Special school dress up and color days signify school spirit and
10 provide students with a sense of unity. Schools that have adopted
11 school uniforms report a feeling of togetherness, greater school pride,
12 and better student behavior in and out of the classroom. This sense of
13 unity provides students with the positive attitudes needed to avert the
14 pressures of gang involvement.

15 The legislature also recognizes there are other more significant
16 factors that impact school safety such as the pervasive use of drugs
17 and alcohol in school. In addition to physical safety zones, schools
18 should also be drug-free zones that expressly prohibit the sale, use,
19 or possession of illegal drugs on school property. Students involved
20 in drug-related activity are unable to benefit fully from educational
21 opportunities and are disruptive to the learning environment of their
22 fellow students. Schools must be empowered to make decisions that
23 positively impact student learning by eradicating drug use and
24 possession on their campuses. This flexibility should also be afforded
25 to schools as they deal with other harmful substance abuse activities
26 engaged in by their students.

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

33 The legislature therefore intends to define gang-related activities
34 as criminal behavior disruptive not only to the learning environment
35 but to society as a whole, and to provide educators with the authority
36 to restore order and safety to the student learning environment,
37 eliminate the influence of gang activities, and eradicate drug and
38 substance abuse on school campuses, thus empowering educators to regain

1 control of our classrooms and provide our students with the best
2 educational opportunities available in our schools.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.28 RCW
4 to read as follows:

5 (1) A person commits the offense of criminal gang activity if the
6 person intentionally or knowingly actively participates in a criminal
7 gang and the person attends or is registered in a public school,
8 attended or was registered in a public school within the previous two
9 years, or is of compulsory school attendance age. Criminal gang
10 activity is a class C felony.

11 (2) "Criminal gang" means, for purposes of this section, any
12 company of persons who act in concert for criminal purposes or who
13 require as a condition of initial or continuing membership the
14 commission of a felony. "Actively participates" means that the person
15 promotes, sponsors, assists in, or participates in, the commission of
16 felonious activity.

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

19 A person commits the offense of criminal gang intimidation if the
20 person threatens another person because the other person refuses to
21 join or has attempted to withdraw from a criminal gang, as defined in
22 section 2 of this act, if the person who threatens the victim attends
23 or is registered in a public school, attended or was registered in a
24 public school within the previous two years, or is of compulsory
25 attendance age. Criminal gang intimidation is a class C felony.

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

28 (1) When enrolling a student who has attended school in another
29 school district, the school enrolling the student may request the
30 parent and the student to briefly indicate in writing whether or not
31 the student has:

32 (a) Any history of placement in special educational programs;

33 (b) Any past, current, or pending disciplinary action;

34 (c) Any history of violent behavior, or behavior listed in section
35 6 of this act;

36 (d) Any unpaid fines or fees imposed by other schools; and

1 (e) Any health conditions affecting the student's educational
2 needs.

3 (2) The school enrolling the student shall request the school the
4 student previously attended to send the student's permanent record
5 including records of disciplinary action, attendance, health and
6 immunization records, and academic performance. If the student has not
7 paid a fine or fee under RCW 28A.635.060, the school may withhold the
8 student's official transcript, but shall transmit information about the
9 student's academic performance, special placement, health and
10 immunization records, and records of disciplinary action. If the
11 official transcript is not sent due to unpaid fees or fines, the
12 enrolling school shall notify both the student and parent or guardian
13 that the official transcript will not be sent until the obligation is
14 met, and failure to have an official transcript may result in exclusion
15 from extracurricular activities or failure to graduate.

16 (3) If information is requested under subsection (2) of this
17 section, the information shall be transmitted within two school days
18 after receiving the request and the records shall be sent as soon as
19 possible. Any school district or district employee who releases the
20 information in compliance with this section is immune from civil
21 liability for damages unless it is shown that the school district
22 employee acted with gross negligence or in bad faith. The state board
23 of education shall provide by rule for the discipline under chapter
24 28A.410 RCW of a school principal or other chief administrator of a
25 public school building who fails to make a good faith effort to assure
26 compliance with this subsection.

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

31 **Sec. 5.** RCW 28A.635.020 and 1981 c 36 s 1 are each amended to read
32 as follows:

33 (1) It shall be unlawful for any person to willfully disobey the
34 order of the chief administrative officer of a public school district,
35 or of an authorized designee of any such administrator, to leave any
36 motor vehicle, building, grounds or other property which is owned,
37 operated or controlled by the school district if the person so ordered
38 is under the influence of alcohol or drugs, or is committing, threatens

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

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

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

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

35 NEW SECTION. Sec. 6. A new section is added to chapter 13.04 RCW
36 to read as follows:

37 (1) Whenever a minor enrolled in any primary or secondary school is
38 charged with any of the following offenses, the juvenile court

1 administrator must notify the parents or legal guardian of the student
2 and the principal of the student's school of the charge and disposition
3 of the case:

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

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

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

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

8 (e) A liquor violation under RCW 66.44.270;

9 (f) An offense of criminal gang activity under section 2 of this
10 act.

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

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

25 NEW SECTION. **Sec. 7.** A new section is added to chapter 13.50 RCW
26 to read as follows:

27 Records of a charge and disposition for a juvenile offense may be
28 provided to schools as provided in section 6 of this act.

29 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.600
30 RCW to read as follows:

31 School district boards of directors shall adopt policies that
32 restore discipline to the classroom. Such policies must provide for at
33 least the following: Allowing each teacher to take disciplinary action
34 to correct a student who disrupts normal classroom activities, abuses
35 or insults a teacher as prohibited by RCW 28A.635.010, willfully
36 disobeys a teacher, uses abusive or foul language directed at a teacher
37 or another student, violates school rules, or who interferes with an

1 orderly education process. Disciplinary action may include but is not
2 limited to: Oral or written reprimands; written notification to
3 parents of disruptive behavior, a copy of which must be provided to the
4 principal; and suspension or expulsion.

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

7 (1) A teacher may suspend a student from the teacher's classroom:

8 (a) For the day of the suspension and the following two days when
9 the teacher has reasonable grounds to believe the student has engaged
10 in any of the following activities in the classroom:

11 (i) Inhaling toxic fumes under chapter 9.47A RCW, or a controlled
12 substances violation under RCW 69.50.401 through 69.50.412 or
13 69.50.415;

14 (ii) A liquor violation under RCW 66.44.270;

15 (iii) Any violation of school rules or regulations governing
16 student conduct that is in furtherance of a criminal gang as defined in
17 section 2 of this act;

18 (iv) Possession of a knife that is not registered with the school
19 principal as required in RCW 9.41.280;

20 (v) Offenses listed in chapter 9A.48 or 9A.56 RCW in regard to any
21 school property or property of a teacher or another student; or

22 (vi) Possession of drug paraphernalia as described in RCW
23 69.50.102;

24 (b) Permanently from the teacher's classroom, for any activity that
25 would constitute an offense under chapter 9A.36, 9A.40, or 9A.48 RCW,
26 when the activity is directed toward the teacher.

27 (2) Suspensions from a classroom are to the custody of the
28 principal or his or her designee.

29 (3) Within twenty-four hours of a suspension by a teacher under
30 subsection (1) of this section, the teacher must report to the
31 principal in writing a statement of the circumstances surrounding the
32 suspension. The principal must notify the child's parents or legal
33 guardian within twenty-four hours of the suspension and schedule a
34 conference with the parents or legal guardian, principal, and teacher
35 within three days. Failure of at least one of the parents or legal
36 guardians to attend the conference shall result in extension of the
37 student's suspension until a parent or legal guardian appears.

1 (4) If the student engages in activity that is prohibited under
2 subsection (1)(a) of this section after one or more suspensions under
3 subsection (1) of this section by the same or different teacher within
4 the preceding three-year period, the principal must determine whether
5 to expel the student permanently from the school or to impose a lesser
6 period of suspension.

7 (5) Suspensions and expulsions under this section must be conducted
8 in a manner that meets the student's and teacher's minimum due process
9 rights.

10 (6) Nothing in this section prohibits a teacher, school principal,
11 or superintendent from disciplining the student for other activities or
12 more severely than as provided under this section as permitted by law
13 and due process protection.

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

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

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

23 (1) The rules adopted pursuant to RCW 28A.600.010 shall be
24 interpreted to insure that the optimum learning atmosphere of the
25 classroom is maintained, and that the highest consideration is given to
26 the judgment of qualified certificated educators regarding conditions
27 necessary to maintain the optimum learning atmosphere.

28 (2) Any student who creates a disruption of the educational process
29 in violation of the building disciplinary standards while under a
30 teacher's immediate supervision may be excluded by the teacher from his
31 or her individual classroom and instructional or activity area for all
32 or any portion of the balance of the school day or until the principal
33 or designee and teacher have conferred, whichever occurs first(~~PROVIDED, That~~).
34 ~~PROVIDED, That~~). Except in emergency circumstances, the teacher
35 ~~(shall have)~~ first ~~(attempted)~~ must attempt one or more alternative
36 forms of corrective action(~~PROVIDED FURTHER, That~~). In no event
37 without the consent of the teacher ~~(shall)~~ may an excluded student

1 (~~be returned~~) return to the class during the balance of that class or
2 activity period. This subsection does not apply when a teacher or
3 principal imposes sanctions authorized under section 9 of this act.

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

21 (4) The procedures shall assure, pursuant to RCW 28A.400.110, that
22 all staff work cooperatively toward consistent enforcement of proper
23 student behavior throughout each school as well as within each
24 classroom. School principals and certificated employees shall also
25 confer annually, as provided in RCW 28A.400.110, to establish criteria
26 for determining when certificated employees must complete classes to
27 improve classroom management skills.

28 **Sec. 12.** RCW 28A.635.060 and 1994 c 304 s 1 are each amended to
29 read as follows:

30 (1) Any pupil who ~~((shall))~~ defaces or otherwise injures any school
31 property, ~~((shall be liable))~~ or property belonging to a school
32 contractor, employee, or another student, is subject to suspension and
33 punishment. If any property of the school district ~~((whose property)),~~
34 a contractor of the district, an employee, or another student has been
35 lost or willfully cut, defaced, or injured, the school district may
36 withhold the grades, diploma, and transcripts of the pupil responsible
37 for the damage or loss until the pupil or the pupil's parent or
38 guardian has paid for the damages. If the student is suspended, the

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

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

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

22 **Sec. 13.** RCW 9.41.280 and 1996 c 295 s 13 are each amended to read
23 as follows:

24 (1) It is unlawful for a person to carry onto, or to possess on,
25 public or private elementary or secondary school premises, school-
26 provided transportation, or areas of facilities while being used
27 exclusively by public or private schools:

28 (a) Any firearm;

29 (b) Any other dangerous weapon as defined in RCW 9.41.250;

30 (c) Any device commonly known as "nun-chu-ka sticks", consisting of
31 two or more lengths of wood, metal, plastic, or similar substance
32 connected with wire, rope, or other means;

33 (d) Any device, commonly known as "throwing stars", which are
34 multi-pointed, metal objects designed to embed upon impact from any
35 aspect; ((or))

36 (e) Any air gun, including any air pistol or air rifle, designed to
37 propel a BB, pellet, or other projectile by the discharge of compressed
38 air, carbon dioxide, or other gas; or

1 (f) Any knife capable of being used to inflict serious bodily
2 injury.

3 (2) Any such person violating subsection (1) of this section is
4 guilty of a gross misdemeanor. If any person is convicted of a
5 violation of subsection (1)(a) of this section, the person shall have
6 his or her concealed pistol license, if any revoked for a period of
7 three years. Anyone convicted under this subsection is prohibited from
8 applying for a concealed pistol license for a period of three years.
9 The court shall send notice of the revocation to the department of
10 licensing, and the city, town, or county which issued the license.

11 Any violation of subsection (1) of this section by elementary or
12 secondary school students constitutes grounds for expulsion from the
13 state's public schools in accordance with RCW 28A.600.010. An
14 appropriate school authority shall promptly notify law enforcement and
15 the student's parent or guardian regarding any allegation or indication
16 of such violation.

17 (3) Subsection (1) of this section does not apply to:

18 (a) Any student or employee of a private military academy when on
19 the property of the academy;

20 (b) Any person engaged in military, law enforcement, or school
21 district security activities;

22 (c) Any person who is involved in a convention, showing,
23 demonstration, lecture, or firearms safety course authorized by school
24 authorities in which the firearms of collectors or instructors are
25 handled or displayed;

26 (d) Any person while the person is participating in a firearms or
27 air gun competition approved by the school or school district;

28 (e) Any person in possession of a pistol who has been issued a
29 license under RCW 9.41.070, or is exempt from the licensing requirement
30 by RCW 9.41.060, while picking up or dropping off a student;

31 (f) Any nonstudent at least eighteen years of age legally in
32 possession of a firearm or dangerous weapon that is secured within an
33 attended vehicle or concealed from view within a locked unattended
34 vehicle while conducting legitimate business at the school;

35 (g) Any nonstudent at least eighteen years of age who is in lawful
36 possession of an unloaded firearm, secured in a vehicle while
37 conducting legitimate business at the school; ((or))

38 (h) Any law enforcement officer of the federal, state, or local
39 government agency; or

1 (i)(A) Any person in possession of a knife provided by the school,
2 such as a dining utensil, or (B) any person in possession of a knife
3 that the person carries in observance of the person's religion and the
4 person has previously registered the knife with the school
5 administration, if the person in possession of the knife under (i)(A)
6 and (B) of this subsection (3) does not use it in a manner constituting
7 a criminal offense.

8 (4) Subsections (1)(c) and (d) of this section do not apply to any
9 person who possesses nun-chu-ka sticks, throwing stars, or other
10 dangerous weapons to be used in martial arts classes authorized to be
11 conducted on the school premises.

12 (5) Except as provided in subsection (3)(b), (c), (f), and (h) of
13 this section, firearms are not permitted in a public or private school
14 building.

15 (6) "GUN-FREE ZONE" signs shall be posted around school facilities
16 giving warning of the prohibition of the possession of firearms on
17 school grounds.

18 NEW SECTION. Sec. 14. A new section is added to chapter 28A.320
19 RCW to read as follows:

20 (1)(a) As provided in RCW 28A.320.140, the governing board of any
21 school district may adopt a reasonable dress and appearance code that
22 requires students to wear a schoolwide uniform or prohibits its
23 students from wearing gang-related apparel. The governing board of the
24 school district may also approve a plan that is initiated by an
25 individual school's principal, staff, and parents if the board
26 determines that the policy is necessary for school safety.

27 (b) The school district must hold a public hearing and consider
28 adoption of dress and appearance codes if the district receives a
29 petition signed by the parents or guardians of twenty percent or more
30 of the district's students.

31 (2)(a) The principal of any school may adopt a reasonable dress and
32 appearance code that requires students to wear a schoolwide uniform or
33 prohibits students from wearing gang-related apparel. The principal
34 may adopt a plan initiated by the school's principal, or the staff or
35 parents of students within the school, if the principal determines the
36 policy is necessary for school safety.

37 (b) The principal must hold a public hearing and consider adoption
38 of a dress and appearance code if the principal receives a petition

1 signed by the parents or guardians of twenty percent or more of the
2 district's students.

3 (3) If a schoolwide uniform is required, a group comprised of the
4 principal, some staff members, and some parents shall select the
5 uniform.

6 (4) A dress and appearance code that requires students to wear a
7 schoolwide uniform may not be implemented with less than six months'
8 notice to parents. If students are required to wear uniforms, the
9 school district must accommodate students so that the uniform
10 requirement is not an unfair barrier to school attendance and
11 participation as provided in RCW 28A.320.140.

12 (5) An adopted dress code policy may not preclude students who
13 participate in a nationally recognized youth organization from wearing
14 organization uniforms on days that the organization has a scheduled
15 meeting or prohibit students from wearing clothing in observance of
16 their religion.

17 (6) If a dress code policy prohibits wearing gang-related apparel,
18 the school must establish policies to notify students and parents of
19 what clothing and apparel the school considers to be gang-related
20 apparel. The notice must precede disciplinary action against a student
21 for wearing gang-related apparel.

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 NEW SECTION. **Sec. 16.** This act is necessary for the immediate
27 preservation of the public peace, health, or safety, or support of the
28 state government and its existing public institutions, and takes effect
29 immediately.

--- END ---