

SENATE BILL REPORT

SSB 6351

As Passed Senate, February 13, 2002

Title: An act relating to safety of school employees and students.

Brief Description: Requiring notification policies regarding threats at schools.

Sponsors: Senate Committee on Education (originally sponsored by Senators Haugen, McAuliffe, Finkbeiner, Rasmussen, Hochstatter, Stevens, Eide, Kohl-Welles, Keiser and Oke).

Brief History:

Committee Activity: Education: 1/23/02, 2/6/02 [DPS].

Passed Senate: 2/13/02, 48-0.

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 6351 be substituted therefor, and the substitute bill do pass.

Signed by Senators Eide, Vice Chair; Carlson, Finkbeiner, Hochstatter, Johnson, Kastama, Kohl-Welles, Rasmussen, Regala and Zarelli.

Staff: Heather Lewis-Lechner (786-7448)

Background: Under current Washington law when a school district receives information that a student has a past history of disciplinary actions, criminal or violent behavior or other behavior that indicates he or she may be a threat to the safety of staff or other students, the school must provide that information to the student's teachers and security personnel. This law does not apply to current threats of harm or violence a student may make against school staff or other students.

Summary of Bill: School districts must adopt a policy by September 1, 2003, that addresses the procedures for providing notice of threats of violence or harm to the student or school employee who is the subject of the threat. The policy must also establish a definition of "threats of violence or harm" and address whether or not any such threat of violence or harm made by a student may be grounds for immediate suspension or expulsion of the student.

The school safety center advisory committee must develop a model policy by January 1, 2003. The model policy must be posted on the Superintendent of Public Instruction's website and school districts, in drafting their own policies, must review the model policy.

Immunity from liability arising out of the notification is provided if the notice is given in good faith and is consistent with the board's policies adopted under this section. Making a false notification of a threat is a misdemeanor if it is done knowingly, intentionally and in bad faith or maliciously.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The key to safety is having open communication lines between all school staff and this bill will help that. This is not asking the state to micromanage schools but simply to create a policy that makes sure there is some form of communication. An established policy is necessary to create continuity when there are changes in administration.

Giving notice is a good way to act early to prevent possible later problems. Staff are feeling vulnerable and do not believe that they have the protections they need to teach effectively. National studies show that there is a problem and that both students and teachers are reporting that they have been threatened with physical harm. There are some concerns, however, regarding the definition of what a threat of harm is, what the duty of the school is, and whether the police should be notified also.

Testimony Against: Notifying people of threats is possibly not the responsibility of the school but instead a matter for law enforcement. The school should be notifying the police instead or, possibly, notifying both police and the person threatened. The use of the phrase "threat of violence or harm" is too vague.

Testified: PRO: Senator Mary Margaret Haugen, prime sponsor; Sue Karahalios, teacher; Glenn Gorton, PSE; Craig Apperson, OSPI; Karen Davis, WEA; CON: Barbara Mertens, Wash. Assoc. of School Administrators.

House Amendment(s): The policy adopted by the school must also address how information relating to a student's conduct is to be disclosed to teachers, staff, and school security, including but not limited to, information about disciplinary records, official juvenile court records, and history of violence.

The Superintendent of Public Instruction (SPI), rather than the School Safety Center Advisory Committee, must adopt a model policy in consultation with individuals with an expertise in violence prevention and intervention. If funding of at least \$100,000 is not provided for the school safety center SPI is not required to adopt a policy.