

SENATE BILL REPORT

SB 5496

As Reported By Senate Committee On:
Education, March 4, 2003

Title: An act relating to appeals from school official or board decisions or orders.

Brief Description: Changing provisions relating to appeals from school officials or boards.

Sponsors: Senator Eide.

Brief History:

Committee Activity: Education: 2/19/03, 3/4/03 [DPS].

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 5496 be substituted therefor, and the substitute bill do pass.

Signed by Senators Johnson, Chair; Carlson, Eide, Finkbeiner, McAuliffe, Rasmussen and Schmidt.

Staff: Heather Lewis-Lechner (786-7448)

Background: Under current law, any person aggrieved by a decision or order of a school official or board may appeal that decision or order to the superior court of the county in which the school district or part of the school district is located.

Questions have arisen as to whether the language "person aggrieved by" allows an individual who is the victim of an action resulting in a decision by a school official or board to appeal the decision. Questions have also arisen as to whether a school district is included in the definition of "person" for the purposes of the statute.

Summary of Substitute Bill: The range of persons that can appeal a school official or school board decision is broadened to include any person or school district that was involved in the action that resulted in the decision or order.

Substitute Bill Compared to Original Bill: The original term "aggrieved by" is restored in the statute along with the bill's original language.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: The students who are the victims of other students' violence currently cannot appeal discipline decisions made by the hearing examiner regarding the student that

has perpetrated the assault. Right now only the expelled individual, not the victim, can appeal the discipline decision. Victims do not have the same rights as the assailants in the appeal process and have very little, if any, recourse in this situation. Victims need this opportunity to appeal. This bill will fix the problem and allow victims to appeal a decision that allows their assailant to remain at the school. This bill will protect children from future attacks by these students. There is some concern that by eliminating the original "aggrieved by" language, the past case law that has emerged and defined the law in this area will no longer be relevant and this area of law will have to be redefined and there will have to be new challenges to redefine the law. One possible way to alleviate this concern would be to leave in the old language and add in the new language as well.

Testimony Against: None.

Testified: PRO: Senator Eide, prime sponsor; Mike Elliott, parent; Barbara Mertens, WASA (pro w/concerns); Lucinda Young, WEA.