

# SENATE BILL REPORT

## ESHB 3131

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As Reported By Senate Committee On:  
Early Learning & K-12 Education, February 27, 2008

**Title:** An act relating to school safety.

**Brief Description:** Addressing school safety.

**Sponsors:** House Committee on Judiciary (originally sponsored by Representatives Lantz, Goodman, Williams, Kelley and Ormsby).

**Brief History:** Passed House: 2/19/08, 92-3.

**Committee Activity:** Early Learning & K-12 Education: 2/27/08 [w/oRec-JUD].

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### SENATE COMMITTEE ON EARLY LEARNING & K-12 EDUCATION

**Staff:** Roman Dixon (786-7438)

**Background:** Under current law, it is illegal to possess dangerous weapons on public or private school premises, school-provided transportation, or areas of facilities while being used exclusively by public or private schools. Specific exemptions are provided for military academies, military and law enforcement activities, conventions, educational activities, approved firearms competitions and persons licensed to carry concealed pistols who are picking up or dropping off students.

It is a gross misdemeanor for a person to possess dangerous weapons on public or private elementary or secondary school property. The following weapons are prohibited: firearms, nun-chu-ka sticks, throwing stars, and any air gun or air pistol or rifle. In addition, other weapons listed under the dangerous weapons statute such as slung shots, sand club, metal knuckles, and spring blade knives are also prohibited.

Violation of the firearm provision while on school property can result in a three-year revocation of a concealed weapons licence, if any. A violation may also result in expulsion from the state's public schools for one year if the student is an elementary or secondary school student. However, school district superintendents may modify the expulsion on a case by case basis. In addition, a violation will result in prompt notification to law enforcement and a parent or guardian and possible detention or confinement for examination by a designated mental health professional; and in some cases, a designated chemical dependency specialist.

**Summary of Bill:** The list of prohibited items on public or private elementary or secondary school premises or school-provided transportation is expanded to include blackjacks, slung

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shot, sand club, billy club, or metal knuckles. Stun guns or other objects designed to administer an incapacitating electric shock, charge, or impulse are also prohibited.

In addition, any explosive or any weapon containing poisonous or injurious gases, or any dirk, dagger, spring blade knife, knife having a blade that is automatically released by a spring mechanism or other mechanical device, or knife having a blade that opens, or falls, or is ejected into position by the force of gravity is also prohibited.

No person may possess or use, attempt to use, threaten to use, or intend to use, any object, or instrument that has the capacity to inflict death or substantial bodily harm when the use, attempt, threat, or intent is of a nature likely to inflict death or substantial bodily harm.

Violation of the firearm provision has a class C felony criminal penalty. However, a student who was otherwise legally in possession of an unloaded firearm secured within a locked vehicle, and who exhibited no threat or intent to use the weapon or cause alarm with it, faces a gross misdemeanor penalty. Other violations of the prohibited items provision carry a gross misdemeanor criminal penalty.

Any violation of the firearm provision by elementary or secondary school students constitutes grounds for expulsion from the state's public schools. Any other violation by elementary or secondary school students may constitute grounds for expulsion from the state's public schools. However, school district superintendents maintain the authority to modify expulsions on a case by case basis. Within one business day of any allegation or indication of a violation of the firearm provision, school authorities must notify law enforcement and the student's parents or guardian and law enforcement must forward the notification to the prosecuting attorney.

By September 1, 2009, the Superintendent of Public Instruction (SPI) must convene a Multistakeholder School Threat Assessment (MSTA) work group to develop a model policy and programmatic guidance on threat assessment and threat management in schools. The purpose of the policy is to provide school personnel and community safety agencies with best practice policies and procedures that should be followed to address assessment and intervention methods associated with a student's act or threat of violence. The model policy must:

- 1) be consistent with the Office of the Superintendent of Public Instruction's (OSPI) model policy addressing requirements for notification of threats of violence and harm;
- 2) address the definition of threat assessment in the context of a student's act or threat of violence on school grounds;
- 3) define the range of best practice interventions that should be pursued if a student involved in an act or threat of violence is either released to the community while expelled or returned to the school environment; and
- 4) address the purpose of a school threat assessment, guidelines for school threat management plans, and governance of the threat assessment process.

The MSTA work group should consist of representatives from OSPI, the Association of Washington School Principals, the Washington Association of School Administrators, the Washington School Directors Association, the Washington State Safe School Advisory Committee, the Washington Association of Sheriffs and Police Chiefs, the Washington State Emergency Management Division, school employee unions, school risk managers, special

education professionals, the Mental Health Division of the Department of Social and Health Services, the Juvenile Court Administrators Association, and other appropriate community safety agencies and organizations as determined by the SPI.

By September 1, 2010, OSPI must facilitate quarterly training to school districts on the implementation of the model school threat assessment policy and programmatic guidance to provide school personnel and community safety agencies with the recommended best practice policies and procedures. This training must address the assessment and intervention methods associated with a student's act or threat of violence or harm or intent to use a weapon on school grounds.

By September 1, 2011, each school district must adopt a policy on threat assessment and management that addresses how schools will provide for the safety of individuals involved in or affected by threats of violence or harm. The school district must consider the model policy and guidance on threat assessment and threat management developed by OSPI.

The SPI must provide the following reports to the education committees of the House of Representatives and the Senate: (1) by September 15, 2009, a report on the components of the model policy; (2) by January 15, 2011, a report on the implementation of the quarterly training to school districts; and (3) by November 15, 2011, a report on the compliance of school districts in adopting the policy on threat assessment and threat management. OSPI must implement the provisions of the act concerning the model threat assessment policy, school district training and reports to the Legislature within existing funds. The provisions pertaining to the MSTA work group expire December 31, 2011.

**Appropriation:** None.

**Fiscal Note:** Requested on February 25, 2008.

**Committee/Commission/Task Force Created:** No.

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