

HOUSE BILL REPORT

EHB 2613

As Amended by the Senate

Title: An act relating to school discipline.

Brief Description: Enhancing school disciplinary measures.

Sponsors: Representatives Sterk, Crouse, Carrell, Brumsickle, McMahan, Boldt, Honeyford, D. Sommers, Clements, Sherstad, Koster, Fuhrman, Sheahan, Huff, Mulliken and Thompson.

Brief History:

Committee Activity:

Education: 1/26/96, 2/1/96 [DP].

Floor Activity:

Passed House: 2/13/96, 93-3.

Senate Amended.

HOUSE COMMITTEE ON EDUCATION

Majority Report: Do pass. Signed by 15 members: Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; Clements; Fuhrman; Linville; McMahan; Pelesky; Quall; Radcliff; Smith; Talcott and Thompson.

Minority Report: Do not pass. Signed by 4 members: Representatives Hatfield; Poulsen; B. Thomas and Veloria.

Staff: Susan Ronn (786-7292).

Background:

Dress and Grooming Codes: Currently, school district boards may establish schools or programs that have dress and grooming codes, which may include the requirement that students wear uniforms. Parents choose whether their children attend such schools or programs.

Acceptance of Nonresident Students: School districts are required to adopt policies that establish rational, fair, and equitable standards for acceptance and rejection of applications for admission to the public school system from nonresident students and

from students receiving home-based instruction. Nonresident students may be rejected if acceptance would impose a financial hardship on the district.

Grading Policies: Each school district board establishes grading policies which allow teachers to consider attendance in determining grades and credit. Grades may not be lowered nor credit denied for disciplinary reasons only.

Suspension and Expulsion Due Process: The State Board of Education adopts rules and regulations that prescribe the due process rights of students in the public schools. Due process rights include notice, an opportunity to be heard, and the right to an appeal. Informal due process procedures may be used in connection with short-term suspensions, if the constitutional interests of the student are adequately protected. Long-term suspensions require stricter due process guarantees. A short-term suspension is defined as a suspension of from one to five consecutive school days.

Summary of Bill:

Dress and Grooming Codes: School district boards may establish district-wide student dress and grooming codes. These codes may require that students wear uniforms. Statute retains the requirement that if a student is required to wear a uniform, this requirement may not be an unfair barrier to school attendance and participation.

School Closings: Schools may remain closed during natural disasters. The Superintendent of Public Instructions shall allow school districts to receive state basic education moneys in such cases, even though the requirement of a full one-hundred-eighty-day school year or an annual average total instructional hour offering has not been met.

Acceptance of Nonresident Students: A nonresident student's applications to enter the public schools of a district may be rejected if the student's disciplinary record indicates a history of behavior disruptive to the educational process.

Grading Policies: The Board of Education may not limit a school district's ability to lower a grade or deny credit for disciplinary reasons or as a result of disciplinary actions. Grades may not be lowered nor credit denied for disciplinary reasons or due to disciplinary actions only.

Suspension and Expulsion Due Process: When a suspension or expulsion is appealed, a district may temporarily suspend a student after an initial hearing until such time as a final decision is reached, provided that the state board deems the interests of the student are adequately protected. A short-term suspension is defined as a suspension of from one to ten consecutive school days.

EFFECT OF SENATE AMENDMENT(S): Dress and grooming code provisions are deleted, leaving current law in place.

The provision relating to school closings is also deleted. Current law provides that when a natural disaster prevents a school from operating for the full 180-day schedule, the school may receive its full allocation of state basic education moneys for up to two days per incident and three days per school year.

Drafting changes were made in acceptance of nonresident students provisions. The substance remains the same.

Grading policy provisions were deleted. Current state Board of Education rules state that students in grades K-4 may not lose grades or credit as a result of supervision, students in grades 5 and above may not be suspended in a manner that causes students to lose more than one semester/trimester of grades or credit, and any student suspended for a short term must be allowed to make up assignments and tests.

Short-term suspensions may be imposed for up to 10 consecutive school days, which does not change the bill. However, during a suspension or expulsion appeal, a district may impose the suspension or expulsion temporarily, after an initial hearing, for no more than 10 consecutive school days or until the appeal is decided. These days must be applied to the term of the suspension or expulsion.

Appropriation: None.

Fiscal Note: Requested on January 17, 1996.

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

Testimony For: Gangs in public schools are a real problem; this bill helps to create the appropriate tools to keep dangerous students out of our school districts. This gives more legal teeth to enforcing a zero-tolerance-for-dangerous-schools policy. Suspension and expulsion are necessary tools in disciplining students. Concern was expressed regarding where the students are to go when they are suspended or expelled.

Testimony Against: This bill gives more power to the Legislature. Current laws are not vague and already give the power to discipline to the school districts.

Testified: Representative Sterk, prime sponsor; Roy Maier, Washington Education Association (pro); Walter Ball, Association of Washington School Principals (pro); and Ron Tabor, Parents for School Choice (con).