

HOUSE BILL REPORT

EHB 2613

As Passed Legislature

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 Concurred.

Passed Legislature.

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:

Acceptance of Nonresident Students: A student may apply for admission to a public school in a school district in which the student is not a resident. 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.

Student Suspension and Expulsion: 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.

When a long-term suspension or expulsion is appealed, the suspension or expulsion must not be imposed until the appeal is decided. Emergency expulsions may continue after an initial prehearing if the student poses an immediate and continuing danger or threatens a substantial disruption of the education process.

Interference by Force or Violence: It is unlawful for a person to interfere by force or violence with a teacher, administrator, classified employee, or student. It is also unlawful to intimidate by threat of force or violence. Both these actions are gross misdemeanors, with statutorily defined penalties. Also, a school district superintendent or his/her designee may call for an emergency expulsion of a student if there is good and sufficient reason to believe that the student poses an immediate and continuing threat of substantial disruption to the educational process. No procedures for emergency suspensions are described. Additionally, if a student commits certain offenses against a teacher (including assault, kidnapping, false imprisonment, and certain crimes against property), the student is suspended from the classroom and the principal may suspend the student from school for up to 10 days.

Summary of Bill:

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.

Student Suspension and Expulsion: A short-term suspension is defined as a suspension of from one to ten consecutive school days.

During a suspension or expulsion appeal, the 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, whichever is shorter. These days must be applied to the term of the suspension or expulsion.

Interference by Force or Violence: If a student interferes by force or violence with a teacher, administrator, classified employee, or student, this shall be grounds for immediate 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).