
ENGROSSED SUBSTITUTE HOUSE BILL 2707

State of Washington

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By House Committee on Law & Justice (originally sponsored by Representatives Honeyford, Linville, McMahan, Brumsickle, Clements, Sterk, Pelesky, Smith, Delvin, Radcliff, Koster, Silver, Cooke, Blanton, Hymes, McMorris, Basich, Elliot and Johnson)

Read first time 02/02/96.

1 AN ACT Relating to school safety; amending RCW 28A.635.020,
2 28A.600.020, 28A.635.060, and 9.41.280; reenacting and amending RCW
3 28A.225.330; adding a new section to chapter 9A.28 RCW; adding a new
4 section to chapter 9A.46 RCW; adding a new section to chapter 13.04
5 RCW; adding a new section to chapter 13.50 RCW; adding a new section to
6 chapter 28A.600 RCW; adding a new section to chapter 28A.320 RCW;
7 creating a new section; prescribing penalties; and declaring an
8 emergency.

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

10 NEW SECTION. **Sec. 1.** (1) The children of this state have the right
11 to an effective public school education. Both students and staff of
12 the primary, elementary, junior, and senior high school campuses have
13 the need to be safe and secure in their persons at school. However,
14 children in many of our public schools are forced to focus on the
15 threat of violence and the messages of violence contained in many
16 aspects of our society, particularly reflected in gang regalia that
17 disrupts the teaching environment.

18 (2) Gang-related apparel is hazardous to the health and safety of
19 the school environment.

1 (3) Weapons, including firearms and knives, remain a problem even
2 in our elementary school campuses. Students can conceal weapons by
3 wearing clothing such as jumpsuits and overcoats, and by carrying large
4 bags.

5 (4) The adoption of a schoolwide uniform policy is a reasonable way
6 to provide some protection for students. A required uniform may
7 protect students from being associated with any particular gang.
8 Moreover, by requiring schoolwide uniforms teachers and administrators
9 may not need to occupy as much of their time learning the subtleties of
10 gang regalia.

11 (5) Many educators believe that school dress significantly
12 influences student behavior. This influence is evident on school
13 dressup days and color days. Schools that have adopted school uniforms
14 experience a feeling of togetherness, greater school pride, and better
15 behavior in and out of the classroom.

16 (6) In addition to personal safety, students must have a drug-free
17 learning environment that expressly prohibits the sale, use, or
18 possession of illegal drugs on school property. Students involved in
19 drug-related activity are unable to fully benefit from educational
20 opportunities and disrupt the educational process for other students.
21 Schools must be empowered to make decisions that positively impact
22 student learning and safety by eradicating drug use and possession on
23 school grounds. This flexibility should also be afforded to schools as
24 they deal with alcohol and other harmful substance abuse by their
25 student populations.

26 Teachers have the right to control the conduct of students in their
27 classrooms to ensure that the goal of educating students may be
28 achieved. Disruptive behavior must not be allowed to continue to
29 divert attention, time, and resources from educational activities.
30 Teachers must be able to keep themselves, and the students in their
31 care, safe from harm while in the classroom.

32 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.28 RCW
33 to read as follows:

34 (1) A person commits the offense of criminal gang activity if the
35 person intentionally or knowingly actively participates in a criminal
36 gang and the person attends or is registered in a public school,
37 attended or was registered in a public school within the previous two

1 years, or is of compulsory school attendance age. Criminal gang
2 activity is a class C felony.

3 (2) "Criminal gang" means, for purposes of this section, any
4 company of persons who act in concert for criminal purposes or who
5 require as a condition of initial or continuing membership the
6 commission of a felony. "Actively participates" means that the person
7 promotes, sponsors, assists in, or participates in, the commission of
8 felonious activity.

9 NEW SECTION. **Sec. 3.** A new section is added to chapter 9A.46 RCW
10 to read as follows:

11 A person commits the offense of criminal gang intimidation if the
12 person threatens another person because the other person refuses to
13 join or has attempted to withdraw from a criminal gang, as defined in
14 section 2 of this act, if the person who threatens the victim attends
15 or is registered in a public school, attended or was registered in a
16 public school within the previous two years, or is of compulsory
17 attendance age. Criminal gang intimidation is a class C felony.

18 **Sec. 4.** RCW 28A.225.330 and 1995 c 324 s 2 and 1995 c 311 s 25 are
19 each reenacted and amended to read as follows:

20 (1) When enrolling a student who has attended school in another
21 school district, the school enrolling the student may request the
22 parent and the student to briefly indicate in writing whether or not
23 the student has:

24 (a) Any history of placement in special educational programs;

25 (b) Any past, current, or pending disciplinary action;

26 (c) Any history of violent behavior, or behavior listed in section
27 6 of this act;

28 (d) Any unpaid fines or fees imposed by other schools; and

29 (e) Any health conditions affecting the student's educational
30 needs.

31 (2) The school enrolling the student shall request the school the
32 student previously attended to send the student's permanent record
33 including records of disciplinary action, attendance, health and
34 immunization records, and academic performance. If the student has not
35 paid a fine or fee under RCW 28A.635.060, the school may withhold the
36 student's official transcript, but shall transmit information about the
37 student's academic performance, special placement, health and

1 immunization records, and records of disciplinary action. If the
2 official transcript is not sent due to unpaid fees or fines, the
3 enrolling school shall notify both the student and parent or guardian
4 that the official transcript will not be sent until the obligation is
5 met, and failure to have an official transcript may result in exclusion
6 from extracurricular activities or failure to graduate.

7 (3) If information is requested under subsection (2) of this
8 section, the information shall be transmitted within two school days
9 after receiving the request and the records shall be sent as soon as
10 possible. Any school district or district employee who releases the
11 information in compliance with this section is immune from civil
12 liability for damages unless it is shown that the school district
13 employee acted with gross negligence or in bad faith. The state board
14 of education shall provide by rule for the discipline under chapter
15 28A.410 RCW of a school principal or other chief administrator of a
16 public school building who fails to make a good faith effort to assure
17 compliance with this subsection.

18 (4) Any school district or district employee who releases the
19 information in compliance with federal and state law is immune from
20 civil liability for damages unless it is shown that the school district
21 or district employee acted with gross negligence or in bad faith.

22 **Sec. 5.** RCW 28A.635.020 and 1981 c 36 s 1 are each amended to read
23 as follows:

24 (1) It shall be unlawful for any person to willfully disobey the
25 order of the chief administrative officer of a public school district,
26 or of an authorized designee of any such administrator, to leave any
27 motor vehicle, building, grounds or other property which is owned,
28 operated or controlled by the school district if the person so ordered
29 is under the influence of alcohol or drugs, or is committing, threatens
30 to imminently commit or incites another to imminently commit any act
31 which would disturb or interfere with or obstruct any lawful task,
32 function, process or procedure of the school district or any lawful
33 task, function, process or procedure of any student, official, employee
34 or invitee of the school district. The order of a school officer or
35 designee acting pursuant to this subsection shall be valid if the
36 officer or designee reasonably believes a person ordered to leave is
37 under the influence of alcohol or drugs, is committing acts, or is
38 creating a disturbance as provided in this subsection.

1 (2) It shall be unlawful for any person to refuse to leave public
2 property immediately adjacent to a building, grounds or property which
3 is owned, operated or controlled by a school district when ordered to
4 do so by a law enforcement officer if such person is engaging in
5 conduct which creates a substantial risk of causing injury to any
6 person, or substantial harm to property, or such conduct amounts to
7 disorderly conduct under RCW 9A.84.030.

8 (3) Nothing in this section shall be construed to prohibit or
9 penalize activity consisting of the lawful exercise of freedom of
10 speech, freedom of press and the right to peaceably assemble and
11 petition the government for a redress of grievances: PROVIDED, That
12 such activity neither does or threatens imminently to materially
13 disturb or interfere with or obstruct any lawful task, function,
14 process or procedure of the school district, or any lawful task,
15 function, process or procedure of any student, official, employee or
16 invitee of the school district: PROVIDED FURTHER, That such activity
17 is not conducted in violation of a prohibition or limitation lawfully
18 imposed by the school district upon entry or use of any motor vehicle,
19 building, grounds or other property which is owned, operated or
20 controlled by the school district.

21 (4) Any person guilty of violating this section shall be deemed
22 guilty of a gross misdemeanor (~~(and, upon conviction therefor, shall be~~
23 ~~fined not more than five hundred dollars, or imprisoned in jail for not~~
24 ~~more than six months or both so fined and imprisoned)) punishable as
25 provided in chapter 9A.20 RCW.~~

26 NEW SECTION. Sec. 6. A new section is added to chapter 13.04 RCW
27 to read as follows:

28 (1) Whenever a minor enrolled in any primary or secondary school is
29 charged with any of the following offenses, the juvenile court
30 administrator must notify the parents or legal guardian of the student
31 and the principal of the student's school of the charge and disposition
32 of the case:

33 (a) A violent offense as defined in RCW 9.94A.030;

34 (b) A sex offense as defined in RCW 9.94A.030;

35 (c) Inhaling toxic fumes under chapter 9.47A RCW;

36 (d) A controlled substances violation under chapter 69.50 RCW;

37 (e) A liquor violation under RCW 66.44.270;

1 (f) An offense of criminal gang activity under section 2 of this
2 act.

3 (2) The principal must provide the information received under
4 subsection (1) of this section to every teacher of any student who has
5 been charged with an offense listed in subsection (1) of this section
6 and any other personnel who, in the judgment of the principal,
7 supervises the student or for security purposes should be aware of the
8 student's record. The principal must provide the information to
9 teachers and other personnel based on any written records that the
10 principal maintains or receives from a juvenile court administrator or
11 a law enforcement agency regarding the student.

12 (3) Any information received by a principal or school personnel
13 under this section is confidential and may not be further disseminated
14 except as provided in RCW 28A.225.330, other statutes or case law, and
15 the family and educational and privacy rights act of 1994, 20 U.S.C.
16 Sec. 1232g et seq.

17 NEW SECTION. **Sec. 7.** A new section is added to chapter 13.50 RCW
18 to read as follows:

19 Records of a charge and disposition for a juvenile offense may be
20 provided to schools as provided in section 6 of this act.

21 NEW SECTION. **Sec. 8.** A new section is added to chapter 28A.600
22 RCW to read as follows:

23 Every teacher must endeavor to hold every student strictly
24 accountable for any disorderly conduct in school or on school grounds,
25 on the street or road while going to or returning from school, or on a
26 school bus. Drug and gang activity is disruptive to the educational
27 process. To further the goal of educating students, school districts
28 shall adopt policies establishing zero tolerance of illegal drug and
29 gang activity on school grounds. Such policies must provide for at
30 least the following:

31 (1) Each teacher may take disciplinary action to correct a student
32 who disrupts normal classroom activities, is disrespectful to a
33 teacher, willfully disobeys a teacher, uses abusive or foul language
34 directed at a teacher or another student, violates school rules, or who
35 interferes with an orderly education process. Disciplinary action may
36 include but is not limited to: Oral or written reprimands; written
37 notification to parents of disruptive behavior, a copy of which must be

1 provided to the principal; and suspension or expulsion. A teacher may
2 suspend a student from the teacher's classroom:

3 (a) For the day of the suspension and the following two days when
4 the teacher has reasonable grounds to believe the student has engaged
5 in any of the following activities in the classroom:

6 (i) Inhaling toxic fumes under chapter 9.47A RCW, or a controlled
7 substances violation under RCW 69.50.401 through 69.50.412 or
8 69.50.415;

9 (ii) A liquor violation under RCW 66.44.270;

10 (iii) Any violation of school rules or regulations governing
11 student conduct that is in furtherance of a criminal gang as defined in
12 section 2 of this act;

13 (iv) Possession of a knife that is not registered with the school
14 principal as required in RCW 9.41.280;

15 (v) Offenses listed in chapter 9A.48 or 9A.56 RCW in regard to any
16 school property or property of a teacher or another student;

17 (vi) Possession of drug paraphernalia as described in RCW
18 69.50.102;

19 (vii) Possession of a paging telecommunications device that emits
20 an audible signal, vibrates, displays a message, or otherwise summons
21 or delivers a communication to the possessor, if the school district or
22 school has adopted a policy that prohibits possession of those devices
23 on school grounds or a school bus; or

24 (viii) Possession of a cellular or portable telephone, if the
25 school district or school has adopted a policy that prohibits
26 possession of a portable or cellular telephone on school grounds or a
27 school bus;

28 (b) Permanently from the teacher's classroom, for any activity that
29 would constitute an offense under chapter 9A.36, 9A.40, or 9A.48 RCW,
30 when the activity is directed toward the teacher. The principal must
31 also determine whether to expel the student permanently from school for
32 engaging in activity under this subsection (1)(b).

33 (2) Suspensions from a classroom are to the custody of the
34 principal or his or her designee.

35 (3) Within twenty-four hours of a suspension by a teacher under
36 subsection (1) of this section, the teacher must report to the
37 principal in writing a statement of the circumstances surrounding the
38 suspension. The principal must notify the child's parents or legal
39 guardian within twenty-four hours of the suspension and schedule a

1 conference with the parents or legal guardian, principal, and teacher
2 within three days. Failure of at least one of the parents or legal
3 guardians to attend the conference shall result in extension of the
4 student's suspension until a parent or legal guardian appears.

5 (4) If the student engages in activity that is prohibited under
6 subsection (1)(a) of this section after one or more suspensions under
7 subsection (1) of this section by the same or different teacher within
8 the preceding three-year period, the principal must determine whether
9 to expel the student permanently from the school or to impose a lesser
10 period of suspension.

11 (5) Suspensions and expulsions under this section must be conducted
12 in a manner that meets the student's and teacher's minimum due process
13 rights.

14 (6) Nothing in this section prohibits a teacher, school principal,
15 or superintendent from disciplining the student for other activities or
16 more severely than as provided under this section as permitted by law
17 and due process protection.

18 **Sec. 9.** RCW 28A.600.020 and 1990 c 33 s 497 are each amended to
19 read as follows:

20 (1) The rules adopted pursuant to RCW 28A.600.010 shall be
21 interpreted to insure that the optimum learning atmosphere of the
22 classroom is maintained, and that the highest consideration is given to
23 the judgment of qualified certificated educators regarding conditions
24 necessary to maintain the optimum learning atmosphere.

25 (2) Any student who creates a disruption of the educational process
26 in violation of the building disciplinary standards while under a
27 teacher's immediate supervision may be excluded by the teacher from his
28 or her individual classroom and instructional or activity area for all
29 or any portion of the balance of the school day or until the principal
30 or designee and teacher have conferred, whichever occurs first(~~+~~
31 ~~PROVIDED, That~~)). Except in emergency circumstances, the teacher
32 ((shall have)) first ((attempted)) must attempt one or more alternative
33 forms of corrective action((+PROVIDED FURTHER, That)). In no event
34 without the consent of the teacher ((shall)) may an excluded student
35 ((be returned)) return to the class during the balance of that class or
36 activity period. This subsection does not apply when a teacher or
37 principal imposes sanctions authorized under section 8 of this act.

1 (3) In order to preserve a beneficial learning environment for all
2 students and to maintain good order and discipline in each classroom,
3 every school district board of directors shall provide that written
4 procedures are developed for administering discipline at each school
5 within the district. Such procedures shall be developed with the
6 participation of parents and the community, and shall provide that the
7 teacher, principal or designee, and other authorities designated by the
8 board of directors, make every reasonable attempt to involve the parent
9 or guardian and the student in the resolution of student discipline
10 problems. Such procedures shall provide that students may be excluded
11 from their individual classes or activities for periods of time in
12 excess of that provided in subsection (2) of this section if such
13 students have repeatedly disrupted the learning of other students:
14 PROVIDED, That the procedures are consistent with the regulations of
15 the state board of education and provide for early involvement of
16 parents in attempts to improve the student's behavior: PROVIDED
17 FURTHER, That pursuant to RCW 28A.400.110, the procedures shall assure
18 that all staff work cooperatively toward consistent enforcement of
19 proper student behavior throughout each school as well as within each
20 classroom.

21 **Sec. 10.** RCW 28A.635.060 and 1994 c 304 s 1 are each amended to
22 read as follows:

23 (1) Any pupil who (~~shall~~) defaces or otherwise injures any school
24 property, (~~shall be liable~~) or property belonging to a school
25 contractor, employee, or another student, is subject to suspension and
26 punishment. If any property of the school district ((whose property)),
27 a contractor of the district, an employee, or another student has been
28 lost or willfully cut, defaced, or injured, the school district may
29 withhold the grades, diploma, and transcripts of the pupil responsible
30 for the damage or loss until the pupil or the pupil's parent or
31 guardian has paid for the damages. If the student is suspended, the
32 student may not be readmitted until the student or parents or legal
33 guardian has made payment in full or until directed by the
34 superintendent of schools. If the property damaged is a school bus
35 owned and operated by or contracted to any school district, a student
36 suspended for the damage may not be permitted to enter or ride any
37 school bus until the student or parent or legal guardian has made
38 payment in full or until directed by the superintendent. When the

1 pupil and parent or guardian are unable to pay for the damages, the
2 school district shall provide a program of voluntary work for the pupil
3 in lieu of the payment of monetary damages. Upon completion of
4 voluntary work the grades, diploma, and transcripts of the pupil shall
5 be released. The parent or guardian of such pupil shall be liable for
6 damages as otherwise provided by law.

7 (2) Before any penalties are assessed under this section, a school
8 district board of directors shall adopt procedures which insure that
9 pupils' rights to due process are protected.

10 (3) If the department of social and health services or a child-
11 placing agency licensed by the department has been granted custody of
12 a child, that child's records, if requested by the department or
13 agency, are not to be withheld for nonpayment of school fees or any
14 other reason.

15 **Sec. 11.** RCW 9.41.280 and 1995 c 87 s 1 are each amended to read
16 as follows:

17 (1) It is unlawful for a person to carry onto, or to possess on,
18 public or private elementary or secondary school premises, school-
19 provided transportation, or areas of facilities while being used
20 exclusively by public or private schools:

21 (a) Any firearm;

22 (b) Any other dangerous weapon as defined in RCW 9.41.250;

23 (c) Any device commonly known as "nun-chu-ka sticks", consisting of
24 two or more lengths of wood, metal, plastic, or similar substance
25 connected with wire, rope, or other means;

26 (d) Any device, commonly known as "throwing stars", which are
27 multi-pointed, metal objects designed to embed upon impact from any
28 aspect; ((or))

29 (e) Any air gun, including any air pistol or air rifle, designed to
30 propel a BB, pellet, or other projectile by the discharge of compressed
31 air, carbon dioxide, or other gas; or

32 (f) Any knife capable of being used to inflict serious bodily
33 injury.

34 (2) Any such person violating subsection (1) of this section is
35 guilty of a gross misdemeanor. If any person is convicted of a
36 violation of subsection (1)(a) of this section, the person shall lose
37 his or her concealed pistol license, if any. The court shall send

1 notice of the revocation to the department of licensing, and the city,
2 town, or county which issued the license.

3 Any violation of subsection (1) of this section by elementary or
4 secondary school students constitutes grounds for expulsion from the
5 state's public schools in accordance with RCW 28A.600.010. An
6 appropriate school authority shall promptly notify law enforcement and
7 the student's parent or guardian regarding any allegation or indication
8 of such violation.

9 (3) Subsection (1) of this section does not apply to:

10 (a) Any student or employee of a private military academy when on
11 the property of the academy;

12 (b) Any person engaged in military, law enforcement, or school
13 district security activities;

14 (c) Any person who is involved in a convention, showing,
15 demonstration, lecture, or firearms safety course authorized by school
16 authorities in which the firearms of collectors or instructors are
17 handled or displayed;

18 (d) Any person while the person is participating in a firearms or
19 air gun competition approved by the school or school district;

20 (e) Any person in possession of a pistol who has been issued a
21 license under RCW 9.41.070, or is exempt from the licensing requirement
22 by RCW 9.41.060, while picking up or dropping off a student;

23 (f) Any nonstudent at least eighteen years of age legally in
24 possession of a firearm or dangerous weapon that is secured within an
25 attended vehicle or concealed from view within a locked unattended
26 vehicle while conducting legitimate business at the school;

27 (g) Any nonstudent at least eighteen years of age who is in lawful
28 possession of an unloaded firearm, secured in a vehicle while
29 conducting legitimate business at the school; ~~((or))~~

30 (h) Any law enforcement officer of the federal, state, or local
31 government agency; or

32 (i)(A) Any person in possession of a knife provided by the school,
33 such as a dining utensil, or (B) any person in possession of a knife
34 that the person carries in observance of the person's religion and the
35 person has previously registered the knife with the school
36 administration, if the person in possession of the knife under (i)(A)
37 and (B) of this subsection (3) does not use it in a manner constituting
38 a criminal offense.

1 (4) Subsections (1)(c) and (d) of this section do not apply to any
2 person who possesses nun-chu-ka sticks, throwing stars, or other
3 dangerous weapons to be used in martial arts classes authorized to be
4 conducted on the school premises.

5 (5) Except as provided in subsection (3)(b), (c), (f), and (h) of
6 this section, firearms are not permitted in a public or private school
7 building.

8 (6) "GUN-FREE ZONE" signs shall be posted around school facilities
9 giving warning of the prohibition of the possession of firearms on
10 school grounds.

11 NEW SECTION. **Sec. 12.** A new section is added to chapter 28A.320
12 RCW to read as follows:

13 (1)(a) As provided in RCW 28A.320.140, the governing board of any
14 school district may adopt a reasonable dress and appearance code that
15 requires students to wear a schoolwide uniform or prohibits its
16 students from wearing gang-related apparel. The governing board of the
17 school district may also approve a plan that is initiated by an
18 individual school's principal, staff, and parents if the board
19 determines that the policy is necessary for school safety.

20 (b) The school district must hold a public hearing and consider
21 adoption of dress and appearance codes if the district receives a
22 petition signed by the parents or guardians of twenty percent or more
23 of the district's students.

24 (2)(a) The principal of any school may adopt a reasonable dress and
25 appearance code that requires students to wear a schoolwide uniform or
26 prohibits students from wearing gang-related apparel. The principal
27 may adopt a plan initiated by the school's principal, or the staff or
28 parents of students within the school, if the principal determines the
29 policy is necessary for school safety.

30 (b) The principal must hold a public hearing and consider adoption
31 of a dress and appearance code if the principal receives a petition
32 signed by the parents or guardians of twenty percent or more of the
33 district's students.

34 (3) If a schoolwide uniform is required, a group comprised of the
35 principal, some staff members, and some parents shall select the
36 uniform.

37 (4) A dress and appearance code that requires students to wear a
38 schoolwide uniform may not be implemented with less than six months'

1 notice to parents. If students are required to wear uniforms, the
2 school district must accommodate students so that the uniform
3 requirement is not an unfair barrier to school attendance and
4 participation as provided in RCW 28A.320.140.

5 (5) An adopted dress code policy may not preclude students who
6 participate in a nationally recognized youth organization from wearing
7 organization uniforms on days that the organization has a scheduled
8 meeting or prohibit students from wearing clothing in observance of
9 their religion.

10 (6) If a dress code policy prohibits wearing gang-related apparel,
11 the school must establish policies to notify students and parents of
12 what clothing and apparel the school considers to be gang-related
13 apparel. The notice must precede disciplinary action against a student
14 for wearing gang-related apparel.

15 NEW SECTION. **Sec. 13.** If any provision of this act or its
16 application to any person or circumstance is held invalid, the
17 remainder of the act or the application of the provision to other
18 persons or circumstances is not affected.

19 NEW SECTION. **Sec. 14.** This act is necessary for the immediate
20 preservation of the public peace, health, or safety, or support of the
21 state government and its existing public institutions, and shall take
22 effect immediately.

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