

# HOUSE BILL REPORT

## EHB 1581

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### As Amended by the Senate

**Title:** An act relating to schools.

**Brief Description:** Changing provisions relating to disruptive students and offenders in schools.

**Sponsors:** By House Committee on Education (originally sponsored by Representatives Sterk, Quall, Cooper, Hatfield, Kastama, Talcott, Robertson, D. Schmidt, Sump, Mulliken, Johnson, Smith, Crouse, Boldt, Dunn, Sheahan, Schoesler, Carrell, Thompson, Honeyford, Bush, Keiser, Kessler and Morris).

**Brief History:**

**Committee Activity:**

Education: 2/14/97, 2/18/97 [DP].

**Floor Activity:**

Passed House: 3/13/97, 96-0.

Senate Amended.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** Do pass. Signed by 11 members: Representatives Johnson, Chairman; Hickel, Vice Chairman; Cole, Ranking Minority Member; Keiser, Assistant Ranking Minority Member; Linville; Quall; Smith; Sterk; Sump; Talcott and Veloria.

**Staff:** Pat Shelledy (786-7149).

**Background:** Juvenile sex offenders. When a juvenile sex offender is released from a state juvenile institution on parole, the sex offender may not attend a public elementary, middle, or high school that is attended by the victim. The parents of the sex offender are responsible for the costs of transporting the sex offender to another school. Some juvenile sex offenders are not committed to a state juvenile institution. Rather, they are treated in the community and placed under community supervision. The prohibition on attending the same school as the victim does not apply to these juvenile sex offenders.

Notice of release of certain offenders. When a juvenile who has been adjudicated of a sex, violent, or stalking offense will be released, paroled, or transferred to a group

home, the secretary of the Department of Social and Health Services (DSHS) must notify the private schools and the common school board of directors of the district in which the offender intends to reside or the district in which the offender last attended school, as appropriate.

Nonresident students. School districts must adopt policies establishing rationale, fair, and equitable standards for accepting nonresident students. The districts must consider all applications equally. A school district may reject a nonresident student if acceptance of the student would create a financial hardship for the district.

Firearms on school grounds. A student who improperly brings a firearm onto school grounds must be expelled for at least one year.

**Summary of Bill:** Juvenile sex offenders. The prohibition on attending the same school as the juvenile sex offender's victim is extended to the same school as the victim's siblings. It is also expanded to include private schools. The secretary of the Department of Social and Health Services must also notify private schools when a sex offender will be released on parole.

Juvenile sex offenders who are not committed to a state institution, but will be given a community based treatment disposition, may also not attend the same school as the victim or the victim's siblings. The parents must provide transportation for the student to any new school. The court must notify the applicable local public and private schools at the earliest possible date but not later than 10 calendar days after entry of the disposition.

Notice of transfer of offenders. The requirement to notify schools of the release or transfer of certain offenders is expanded to require the department to notify schools when an any offender under jurisdiction of the department will be transferred to a group home.

Nonresident students. A school district may refuse to accept a nonresident student if the student's disciplinary records indicate a history of violent or disruptive behavior or gang membership, or the student has been expelled or suspended from a public school for more than 10 consecutive days. Any readmission policy must apply uniformly to resident and nonresident students. A gang- is defined.

Firearms on school grounds. A school district may suspend a student up to one year if the student displays in a threatening or dangerous manner an instrument that appears to be a firearm, on public school property, transportation, or other facilities when being used exclusively by public schools.

**EFFECT OF SENATE AMENDMENT(S):** A technical amendment is made to refer to approved- private schools. The definition of "gang" is changed to mean a group

which (a) consists of three or more persons; (b) has identifiable leadership; and (c) on an ongoing basis, regularly conspires and acts in concert mainly for criminal purposes. The Senate adopted the same amendment in its amendments to HB 1841. The standard for suspending or expelling a student for bringing a look-alike firearm onto school grounds is changed to requiring a showing that the student acted with malice— when the student displays the facsimile. The house version provides that the student can be suspended or expelled for displaying it in a threatening or dangerous manner.— The emergency clause is deleted.

**Appropriation:** None.

**Fiscal Note:** Requested on February 7, 1997.

**Effective Date:** The bill contains an emergency clause and takes effect immediately.

**Testimony For:** School children and personnel need increased safety measures to be protected from gang members who are there to sell drugs and recruit new members. Sex offenders attending the same school as the victim's siblings creates problems for the victim's siblings, the offender, other students, and the administration. A lot of time that should be devoted to academics is devoted to counseling the students. Students should not be able to avoid disciplinary sanctions by enrolling in another school. A balance needs to be struck between the rights of all the students against individual students who are very disruptive to the classroom and school environment. Disruptive students do need a place to go but their needs must be measured against the safety and educational needs of other students. School districts must have authority to suspend or expel children who bring items to schools that look like real weapons and display them in a manner that is threatening. The bill contains sufficient safeguards that a student should not be expelled for bringing a toy to school that is clearly a toy and the child does not display the toy in a threatening manner.

**Testimony Against:** None.

**Testified:** Representative Sterk, prime sponsor; Joe Pope, Association of Washington School Principals; Gary Martin, Principal, Yelm High School; Barbara Mertens, Washington Association of School Administrators; Dwayne Slate, Washington State School Directors' Association; Lloyd Gardner, citizen; Frank Tombori, Spokane Valley Chamber of Commerce; Joe Dawson, West Valley School District; and Dave Trapp, Sequim School District (concerns).