

2 ESHB 2137 - S AMD 257

3 By Senators Kastama, Finkbeiner, McAuliffe and Zarelli

4

5 Strike everything after the enacting clause and insert the
6 following:

7 "Sec. 1. RCW 9.41.280 and 1999 c 167 s 1 are each amended to read
8 as follows:

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

13 (a) Any firearm;

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

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

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

21 (e) Any air gun, including any air pistol or air rifle, designed to
22 propel a BB, pellet, or other projectile by the discharge of compressed
23 air, carbon dioxide, or other gas.

24 (2) Any such person violating subsection (1) of this section is
25 guilty of a gross misdemeanor. If any person is convicted of a
26 violation of subsection (1)(a) of this section, the person shall have
27 his or her concealed pistol license, if any revoked for a period of
28 three years. Anyone convicted under this subsection is prohibited from
29 applying for a concealed pistol license for a period of three years.
30 The court shall send notice of the revocation to the department of
31 licensing, and the city, town, or county which issued the license.

32 Any violation of subsection (1) of this section by elementary or
33 secondary school students constitutes grounds for expulsion from the
34 state's public schools in accordance with RCW 28A.600.010. An
35 appropriate school authority shall promptly notify law enforcement and

1 the student's parent or guardian regarding any allegation or indication
2 of such violation.

3 Upon the arrest of a person at least (~~twelve~~) thirteen years of
4 age and not more than twenty-one years of age for violating subsection
5 (1)(a) of this section, the person shall be detained or confined in a
6 juvenile or adult facility for up to seventy-two hours. The person
7 shall not be released within the seventy-two hours until after the
8 person has been examined and evaluated by the (~~county-designated~~
9 ~~mental health professional~~) person or agency designated by the local
10 regional support network unless the court in its discretion releases
11 the person sooner after a determination regarding probable cause or on
12 probation bond or bail.

13 Within twenty-four hours of the arrest, the arresting law
14 enforcement agency shall refer the person to the (~~county-designated~~
15 ~~mental health professional for examination and evaluation under chapter~~
16 ~~71.05 or 71.34 RCW~~) person or agency designated by the local regional
17 support network to conduct a mental health examination and evaluation
18 and inform a parent or guardian of the person of the arrest, detention,
19 and examination. (~~The county-designated mental health professional~~
20 ~~shall examine and evaluate the person subject to the provisions of~~
21 ~~chapter 71.05 or 71.34 RCW.~~) Notification to the parent or guardian
22 shall occur prior to any examination or evaluation by the person or
23 agency designated by the local regional support network. The
24 examination and evaluation shall occur within twenty-four hours of
25 receiving the referral. The examination shall occur at the facility in
26 which the person is detained or confined. If the person has been
27 released on probation(~~(7)~~) bond(~~(7)~~) or bail, the examination shall
28 occur wherever is appropriate.

29 The (~~county-designated mental health professional~~) person or
30 agency designated by the local regional support network may, when
31 appropriate, determine whether to refer the person to the county-
32 designated mental health professional or the county-designated chemical
33 dependency specialist for examination and evaluation for commitment
34 proceedings in accordance with chapter 71.05, 71.34, or 70.96A RCW.
35 When a referral is made by the person or agency designated by the local
36 regional support network, the county-designated mental health
37 professional or the county-designated chemical dependency specialist
38 shall examine the person subject to the provisions of chapter 71.05,
39 71.34, or 70.96A RCW within twenty-four hours of receiving the

1 referral. The examination shall occur at the facility in which the
2 person is detained or confined. If the person has been released on
3 probation(~~(7)~~) bond(~~(7)~~) or bail, the examination shall occur wherever
4 is appropriate.

5 Upon completion of any examination by the person or agency
6 designated by the local regional support network, the county-designated
7 mental health professional, or the county-designated chemical
8 dependency specialist, the results of the examination shall be sent to
9 the court with jurisdiction, the school, the parents, and to the person
10 if eighteen years of age or older, and the court shall consider those
11 results in making any determination about the person. However, any
12 reference in the examination report or reports to facts or
13 circumstances of the alleged acts which resulted in the arrest of the
14 person shall not be admissible in any criminal or juvenile proceeding
15 if the person was unrepresented by counsel at the time of the
16 examination, or had not been arraigned prior to the examination.

17 The person or agency designated by the local regional support
18 network, the county-designated mental health professional, and the
19 county-designated chemical dependency specialist shall(~~(7 to the extent~~
20 ~~permitted by law,7)~~) notify a parent or guardian of the person, if the
21 person is under the age of eighteen, that an examination and evaluation
22 has taken place and the results of the examination. Nothing in this
23 subsection prohibits the delivery of additional, appropriate mental
24 health examinations to the person while the person is detained or
25 confined.

26 If the (~~county-designated mental health professional~~) person or
27 agency designated by the local regional support network determines it
28 is appropriate, the (~~county-designated mental health professional~~)
29 person or agency designated by the local regional support network may
30 refer the person to the local regional support network for follow-up
31 services or the department of social and health services or other
32 community providers for other services to the family and individual.

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

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

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

38 (c) Any person who is involved in a convention, showing,
39 demonstration, lecture, or firearms safety course authorized by school

1 authorities in which the firearms of collectors or instructors are
2 handled or displayed;

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

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

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

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

15 (h) Any law enforcement officer of the federal, state, or local
16 government agency.

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

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

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

27 NEW SECTION. **Sec. 2.** A new section is added to chapter 9.61 RCW
28 to read as follows:

29 Upon the arrest of a person at least thirteen years of age and not
30 more than twenty-one years of age for violating RCW 9.61.160 by making
31 a threat to bomb, on public or private elementary or secondary school
32 premises, school provided transportation, or areas of facilities while
33 being used exclusively by public or private schools, the person shall
34 be detained or confined in a juvenile or adult facility for up to
35 seventy-two hours. The person shall not be released within the
36 seventy-two hours until after the person has been examined and
37 evaluated by the person or agency designated by the local regional
38 support network unless the court in its discretion releases the person

1 sooner after a determination regarding probable cause or on probation
2 bond or bail.

3 Within twenty-four hours of the arrest, the arresting law
4 enforcement agency shall refer the person to the person or agency
5 designated by the local regional support network to conduct a mental
6 health examination and evaluation and inform a parent or guardian of
7 the person of the arrest, detention, and examination. Notification to
8 the parent or guardian shall occur prior to any examination or
9 evaluation by the person or agency designated by the local regional
10 support network. The examination and evaluation shall occur within
11 twenty-four hours of receiving the referral. The examination shall
12 occur at the facility in which the person is detained or confined. If
13 the person has been released on probation bond or bail, the examination
14 shall occur wherever is appropriate.

15 The person or agency designated by the local regional support
16 network may, when appropriate, determine whether to refer the person to
17 the county-designated mental health professional or the county-
18 designated chemical dependency specialist for examination and
19 evaluation for commitment proceedings in accordance with chapter 71.05,
20 71.34, or 70.96A RCW. When a referral is made by the person or agency
21 designated by the local regional support network, the county-designated
22 mental health professional or the county-designated chemical dependency
23 specialist shall examine the person subject to the provisions of
24 chapter 71.05, 71.34, or 70.96A RCW within twenty-four hours of
25 receiving the referral. The examination shall occur at the facility in
26 which the person is detained or confined. If the person has been
27 released on probation bond or bail, the examination shall occur
28 wherever is appropriate.

29 Upon completion of any examination by the person or agency
30 designated by the local regional support network, the county-designated
31 mental health professional, or the county-designated chemical
32 dependency specialist, the results of the examination shall be sent to
33 the court with jurisdiction, the school, the parents, and to the person
34 if eighteen years of age or older, and the court shall consider those
35 results in making any determination about the person. However, any
36 reference in the examination report or reports to facts or
37 circumstances of the alleged acts which resulted in the arrest of the
38 person shall not be admissible in any criminal or juvenile proceeding

1 if the person was unrepresented by counsel at the time of the
2 examination, or had not been arraigned prior to the examination.

3 The person or agency designated by the local regional support
4 network, the county-designated mental health professional, and the
5 county-designated chemical dependency specialist shall notify a parent
6 or guardian of the person, if the person is under the age of eighteen,
7 that an examination and evaluation has taken place and the results of
8 the examination. Nothing in this section prohibits the delivery of
9 additional, appropriate mental health examinations to the person while
10 the person is detained or confined.

11 If the person or agency designated by the local regional support
12 network determines it is appropriate, the person or agency designated
13 by the local regional support network may refer the person to the local
14 regional support network for follow-up services or the department of
15 social and health services or other community providers for other
16 services to the family and individual.

17 NEW SECTION. **Sec. 3.** A new section is added to chapter 9A.48 RCW
18 to read as follows:

19 Upon the arrest of a person at least thirteen years of age and not
20 more than twenty-one years of age for violating RCW 9A.48.020 relating
21 to arson in the first degree or RCW 9A.48.030 relating to arson in the
22 second degree, on public or private elementary or secondary school
23 premises, school provided transportation, or areas of facilities while
24 being used exclusively by public or private schools, the person shall
25 be detained or confined in a juvenile or adult facility for up to
26 seventy-two hours. The person shall not be released within the
27 seventy-two hours until after the person has been examined and
28 evaluated by the person or agency designated by the local regional
29 support network unless the court in its discretion releases the person
30 sooner after a determination regarding probable cause or on probation
31 bond or bail.

32 Within twenty-four hours of the arrest, the arresting law
33 enforcement agency shall refer the person to the person or agency
34 designated by the local regional support network to conduct a mental
35 health examination and evaluation and inform a parent or guardian of
36 the person of the arrest, detention, and examination. Notification to
37 the parent or guardian shall occur prior to any examination or
38 evaluation by the person or agency designated by the local regional

1 support network. The examination and evaluation shall occur within
2 twenty-four hours of receiving the referral. The examination shall
3 occur at the facility in which the person is detained or confined. If
4 the person has been released on probation bond or bail, the examination
5 shall occur wherever is appropriate.

6 The person or agency designated by the local regional support
7 network may, when appropriate, determine whether to refer the person to
8 the county-designated mental health professional or the county-
9 designated chemical dependency specialist for examination and
10 evaluation for commitment proceedings in accordance with chapter 71.05,
11 71.34, or 70.96A RCW. When a referral is made by the person or agency
12 designated by the local regional support network, the county-designated
13 mental health professional or the county-designated chemical dependency
14 specialist shall examine the person subject to the provisions of
15 chapter 71.05, 71.34, or 70.96A RCW within twenty-four hours of
16 receiving the referral. The examination shall occur at the facility in
17 which the person is detained or confined. If the person has been
18 released on probation bond or bail, the examination shall occur
19 wherever is appropriate.

20 Upon completion of any examination by the person or agency
21 designated by the local regional support network, the county-designated
22 mental health professional, or the county-designated chemical
23 dependency specialist, the results of the examination shall be sent to
24 the court with jurisdiction, the school, the parents, and to the person
25 if eighteen years of age or older, and the court shall consider those
26 results in making any determination about the person. However, any
27 reference in the examination report or reports to facts or
28 circumstances of the alleged acts which resulted in the arrest of the
29 person shall not be admissible in any criminal or juvenile proceeding
30 if the person was unrepresented by counsel at the time of the
31 examination, or had not been arraigned prior to the examination.

32 The person or agency designated by the local regional support
33 network, the county-designated mental health professional, and the
34 county-designated chemical dependency specialist shall notify a parent
35 or guardian of the person, if the person is under the age of eighteen,
36 that an examination and evaluation has taken place and the results of
37 the examination. Nothing in this section prohibits the delivery of
38 additional, appropriate mental health examinations to the person while
39 the person is detained or confined.

1 If the person or agency designated by the local regional support
2 network determines it is appropriate, the person or agency designated
3 by the local regional support network may refer the person to the local
4 regional support network for follow-up services or the department of
5 social and health services or other community providers for other
6 services to the family and individual.

7 NEW SECTION. **Sec. 4.** A new section is added to chapter 28A.300
8 RCW to read as follows:

9 (1)(a) This subsection (1) shall be implemented to the extent funds
10 are appropriated for its purposes.

11 (b) A school safety center shall be established in the office of
12 the superintendent of public instruction to provide school districts
13 with: The assistance necessary to create a consistent, comprehensive
14 approach to school safety for every school and every school district;
15 the means to share safety information among school districts; and a
16 process for schools to effectively integrate safe school planning with
17 emergency preparedness personnel, the criminal justice training
18 commission, and local, county, and state law enforcement officers.

19 (c) The safety center shall disseminate successful models of school
20 safety plans and cooperative efforts; provide assistance to schools to
21 establish a comprehensive safe school plan; select models of
22 cooperative efforts that have been proven successful; act as an
23 information dissemination and resource center when an incident occurs
24 in a school district either in Washington or in another state;
25 coordinate activities relating to school safety; review and approve
26 manuals and curricula used for school safety models and training; and
27 develop and maintain a school safety information web site.

28 (2)(a) This subsection (2) shall be implemented to the extent funds
29 are appropriated for its purposes.

30 (b) The superintendent of public instruction shall participate in
31 a school safety center advisory committee that includes representatives
32 of educators, classified staff, principals, superintendents,
33 administrators, the American society for industrial security, the state
34 criminal justice training commission, and others deemed appropriate and
35 approved by the school safety center advisory committee. Members of
36 the committee shall be chosen by the groups they represent. In
37 addition, the Washington association of sheriffs and police chiefs
38 shall appoint representatives of law enforcement to participate on the

1 school safety center advisory committee. The advisory committee shall
2 select a chair.

3 (c) The school safety center advisory committee shall develop a
4 training program, using the best practices in school safety, for all
5 school safety personnel. The criminal justice training commission with
6 assistance of the advisory committee shall develop manuals and
7 curricula for a training program for all school safety personnel. The
8 Washington state criminal justice training commission, in collaboration
9 with the advisory committee, shall provide the school safety training
10 for all school administrators and school safety personnel, including
11 school safety personnel hired after the effective date of this section.

12 **Sec. 5.** RCW 28A.305.130 and 1997 c 13 s 5 are each amended to read
13 as follows:

14 In addition to any other powers and duties as provided by law, the
15 state board of education shall:

16 (1) Approve or disapprove the program of courses leading to
17 teacher, school administrator, and school specialized personnel
18 certification offered by all institutions of higher education within
19 the state which may be accredited and whose graduates may become
20 entitled to receive such certification.

21 (2) Conduct every five years a review of the program approval
22 standards, including the minimum standards for teachers,
23 administrators, and educational staff associates, to reflect research
24 findings and assure continued improvement of preparation programs for
25 teachers, administrators, and educational staff associates.

26 (3) Investigate the character of the work required to be performed
27 as a condition of entrance to and graduation from any institution of
28 higher education in this state relative to such certification as
29 provided for in subsection (1) above, and prepare a list of accredited
30 institutions of higher education of this and other states whose
31 graduates may be awarded such certificates.

32 (4)(a) The state board of education shall adopt rules to allow a
33 teacher certification candidate to fulfill, in part, teacher
34 preparation program requirements through work experience as a
35 classified teacher's aide in a public school or private school meeting
36 the requirements of RCW 28A.195.010. The rules shall include, but are
37 not limited to, limitations based upon the recency of the teacher
38 preparation candidate's teacher aide work experience, and limitations

1 based on the amount of work experience that may apply toward teacher
2 preparation program requirements under this chapter.

3 (b) The state board of education shall require that at the time of
4 the individual's enrollment in a teacher preparation program, the
5 supervising teacher and the building principal shall jointly provide to
6 the teacher preparation program of the higher education institution at
7 which the teacher candidate is enrolled, a written assessment of the
8 performance of the teacher candidate. The assessment shall contain
9 such information as determined by the state board of education and
10 shall include: Evidence that at least fifty percent of the candidate's
11 work as a classified teacher's aide was involved in instructional
12 activities with children under the supervision of a certificated
13 teacher and that the candidate worked a minimum of six hundred thirty
14 hours for one school year; the type of work performed by the candidate;
15 and a recommendation of whether the candidate's work experience as a
16 classified teacher's aide should be substituted for teacher preparation
17 program requirements. In compliance with such rules as may be
18 established by the state board of education under this section, the
19 teacher preparation programs of the higher education institution where
20 the candidate is enrolled shall make the final determination as to what
21 teacher preparation program requirements may be fulfilled by teacher
22 aide work experience.

23 (5) Supervise the issuance of such certificates as provided for in
24 subsection (1) above and specify the types and kinds of certificates
25 necessary for the several departments of the common schools by rule
26 (~~or regulation~~) in accordance with RCW 28A.410.010.

27 (6) Accredite, subject to such accreditation standards and
28 procedures as may be established by the state board of education, all
29 schools that apply for accreditation, and approve, subject to the
30 provisions of RCW 28A.195.010, private schools carrying out a program
31 for any or all of the grades kindergarten through twelve: PROVIDED,
32 That no private school may be approved that operates a kindergarten
33 program only: PROVIDED FURTHER, That no public or private schools
34 shall be placed upon the list of accredited schools so long as secret
35 societies are knowingly allowed to exist among its students by school
36 officials: PROVIDED FURTHER, That the state board may elect to require
37 all or certain classifications of the public schools to conduct and
38 participate in such preaccreditation examination and evaluation
39 processes as may now or hereafter be established by the board.

1 (7) Make rules (~~and regulations~~) governing the establishment in
2 any existing nonhigh school district of any secondary program or any
3 new grades in grades nine through twelve. Before any such program or
4 any new grades are established the district must obtain prior approval
5 of the state board.

6 (8) Prepare such outline of study for the common schools as the
7 board shall deem necessary, and prescribe such rules for the general
8 government of the common schools, as shall seek to secure regularity of
9 attendance, prevent truancy, secure efficiency, and promote the true
10 interest of the common schools.

11 (9) Continuously reevaluate courses and adopt and enforce
12 (~~regulations~~) rules within the common schools so as to meet the
13 educational needs of students and articulate with the institutions of
14 higher education and unify the work of the public school system.

15 (10) Carry out board powers and duties relating to the organization
16 and reorganization of school districts under chapters 28A.315, 28A.323,
17 and 28A.343 RCW (~~28A.315.010 through 28A.315.680 and 28A.315.900~~).

18 (11) By rule (~~or regulation promulgated~~) adopted upon the advice
19 of the chief of the Washington state patrol, through the director of
20 fire protection, provide for instruction of pupils in the (~~public~~
21 ~~and~~) private schools carrying out a K through 12 program, or any part
22 thereof, so that in case of sudden emergency they shall be able to
23 leave their particular school building in the shortest possible time or
24 take such other steps as the particular emergency demands, and without
25 confusion or panic; such rules (~~and regulations~~) shall be published
26 and distributed to certificated personnel throughout the state whose
27 duties shall include a familiarization therewith as well as the means
28 of implementation thereof at their particular school.

29 (12) By rule, following consultation with at least the emergency
30 management division of the state military department and the
31 superintendent of public instruction, provide for instruction of staff
32 and pupils in the public schools carrying out a K through 12 program,
33 or any part thereof, so that in case of a sudden all-hazard emergency
34 they shall be able to leave their particular school building in the
35 shortest possible time or take such other steps as the particular all-
36 hazard emergency demands, without confusion or panic. The rules shall
37 provide guidance on the development and implementation of all-hazard
38 emergency management plans. The rules shall specify when school
39 districts shall complete their plans. The rules shall be published and

1 distributed to school district officials who shall in turn distribute
2 information about the plans to all employed staff in the district.

3 (13) Hear and decide appeals as otherwise provided by law.

4 The state board of education is given the authority to promulgate
5 information and rules dealing with the prevention of child abuse for
6 purposes of curriculum use in the common schools.

7 NEW SECTION. Sec. 6. A new section is added to chapter 28A.320
8 RCW to read as follows:

9 To the extent funds are appropriated, school districts shall
10 require that schools develop a comprehensive safe school plan. A
11 comprehensive safe school plan is a school-based plan that includes
12 prevention, intervention, all-hazards and crisis response including the
13 all-hazards emergency plan under RCW 28A.305.130, and postcrisis
14 recovery components developed to ensure the maintenance of a safe
15 learning environment for students and adults. Upon completion of the
16 comprehensive safe school plans, and by December 1st of every year
17 thereafter, school districts shall report to the superintendent of
18 public instruction whether schools in its district have developed
19 comprehensive safe school plans. The superintendent of public
20 instruction shall annually report to the state board of education and
21 the education committees of the house of representatives and senate on
22 school districts' comprehensive safe school planning."

23 **ESHB 2137** - S AMD 257

24 By Senators Kastama, Finkbeiner, McAuliffe and Zarelli

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26 On page 1, line 1 of the title, after "Relating to" strike the
27 remainder of the title and insert "school safety; amending RCW 9.41.280
28 and 28A.305.130; adding a new section to chapter 9.61 RCW; adding a new
29 section to chapter 9A.48 RCW; adding a new section to chapter 28A.300
30 RCW; and adding a new section to chapter 28A.320 RCW."

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