

HOUSE BILL REPORT

HB 2613

As Reported By House Committee On:

Education

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].

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.

Interference by Force: 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 principle may suspend the student from school for up to 10 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.

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.

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