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**SUBSTITUTE HOUSE BILL 1191**

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**State of Washington**

**66th Legislature**

**2019 Regular Session**

**By** House Education (originally sponsored by Representatives Goodman and Frame)

1 AN ACT Relating to school notifications; amending RCW  
2 28A.320.128, 9A.44.138, 13.04.155, 13.40.215, 28A.225.330, and  
3 72.09.730; adding a new section to chapter 28A.320 RCW; adding a new  
4 section to chapter 28A.195 RCW; and adding a new section to chapter  
5 28A.710 RCW.

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

7 NEW SECTION. **Sec. 1.** A new section is added to chapter 28A.320  
8 RCW to read as follows:

9 (1) A school district superintendent, or his or her designee, or  
10 a principal of a school who receives information pursuant to RCW  
11 28A.225.330, 9A.44.138, 13.04.155, 13.40.215, or 72.09.730 shall  
12 comply with the notification provisions described in this section.

13 (2) Upon receipt of information described in subsection (1) of  
14 this section, a school district superintendent, or his or her  
15 designee, must provide the information to the principal of the school  
16 that the student, whom the information is about, was, or will be,  
17 enrolled in.

18 (3)(a) Upon receipt of information about a sex offense as defined  
19 in RCW 9.94A.030, the principal must comply with the notification  
20 requirements in RCW 9A.44.138.

1 (b) Upon receipt of information about a violent offense as  
2 defined in RCW 9.94A.030, or a school disciplinary action, the  
3 principal has discretion to share the information with a staff member  
4 if, in the principal's judgment, the information is necessary for:

5 (i) The staff member to supervise the student;

6 (ii) The staff member to provide or refer the student to  
7 therapeutic or behavioral health services; or

8 (iii) Security purposes.

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

14 NEW SECTION. **Sec. 2.** A new section is added to chapter 28A.195  
15 RCW to read as follows:

16 The administrator of a private school approved under this chapter  
17 must comply with the notification provisions of section 1 of this act  
18 that apply to administrators and principals.

19 NEW SECTION. **Sec. 3.** A new section is added to chapter 28A.710  
20 RCW to read as follows:

21 The administrator of a charter public school governed by this  
22 chapter must comply with the notification provisions of section 1 of  
23 this act that apply to administrators and principals.

24 **Sec. 4.** RCW 28A.320.128 and 2002 c 206 s 1 are each amended to  
25 read as follows:

26 (1) By September 1, ((2003)) 2019, each school district board of  
27 directors shall adopt a policy that addresses the following issues:

28 (a) Procedures for providing notice of threats of violence or  
29 harm to the student or school employee who is the subject of the  
30 threat. The policy shall define "threats of violence or harm"; and

31 (b) Procedures for ~~((disclosing information that is provided to~~  
32 ~~the school administrators about a student's conduct, including but~~  
33 ~~not limited to the student's prior disciplinary records, official~~  
34 ~~juvenile court records, and history of violence, to classroom~~  
35 ~~teachers, school staff, and school security who, in the judgment of~~  
36 ~~the principal, should be notified ; and~~

1 ~~(c) Procedures for determining whether or not any threats or~~  
2 ~~conduct established in the policy may be grounds for suspension or~~  
3 ~~expulsion of the student)) complying with the notification provisions~~  
4 ~~in section 1 of this act.~~

5 (2) The ~~((superintendent of public instruction))~~ Washington state  
6 school directors' association, in consultation with educators and  
7 representatives of law enforcement, classified staff, and  
8 organizations with expertise in violence prevention and intervention,  
9 shall adopt, and revise as necessary, a model policy that includes  
10 the issues listed in subsection (1) of this section ~~((by January 1,~~  
11 ~~2003))~~. The model policy shall be ~~((posted on the superintendent of~~  
12 ~~public instruction's))~~ disseminated by the Washington state school  
13 directors' association and made available to the public on its web  
14 site. The school districts, in drafting their own policies, shall  
15 review the model policy.

16 (3) School districts, school district boards of directors, school  
17 officials, and school employees providing notice in good faith as  
18 required and consistent with the board's policies adopted under this  
19 section are immune from any liability arising out of such  
20 notification.

21 (4) A person who intentionally and in bad faith or maliciously,  
22 knowingly makes a false notification of a threat under this section  
23 is guilty of a misdemeanor punishable under RCW 9A.20.021.

24 **Sec. 5.** RCW 9A.44.138 and 2011 c 337 s 4 are each amended to  
25 read as follows:

26 (1) Upon receiving notice from a registered person pursuant to  
27 RCW 9A.44.130 that the person will be attending a school enrolling  
28 students in grades kindergarten through twelve or an institution of  
29 higher education, or will be employed with an institution of higher  
30 education, the sheriff must promptly notify the administrator of the  
31 school ~~((district and the school principal))~~ or institution ~~((s~~  
32 ~~department))~~ of ~~((public safety and shall provide that school or~~  
33 ~~department with))~~ the person's: (a) Name and any aliases used; (b)  
34 complete residential address; (c) date and place of birth; (d) place  
35 of employment; (e) crime for which convicted; (f) date and place of  
36 conviction; (g) social security number; (h) photograph; and (i) risk  
37 level classification.

38 (2) ~~((A principal or department))~~ Except as provided in  
39 subsection (3) of this section, an administrator receiving notice

1 under this (~~subsection~~) section must disclose the information  
2 received from the sheriff as follows:

3 (a) If the student is classified as a risk level II or III, the  
4 (~~principal~~) administrator shall provide the information received to  
5 every teacher of the student and to any other personnel who, in the  
6 judgment of the (~~principal~~) administrator, supervises the student  
7 or for security purposes should be aware of the student's record;

8 (b) If the student is classified as a risk level I, the  
9 (~~principal or department~~) administrator shall provide the  
10 information received only to personnel who, in the judgment of the  
11 (~~principal or department~~) administrator, for security purposes  
12 should be aware of the student's record.

13 (3) When the administrator is the administrator of a school  
14 district, the administrator must disclose the information to the  
15 principal of the school that the registered person will be attending,  
16 whether the school is a common school as defined in RCW 28A.150.020  
17 or a school that is the subject of a state-tribal education compact  
18 under chapter 28A.715 RCW. The principal must then disclose the  
19 information as provided in subsection (2) of this section.

20 (4) The sheriff shall notify the applicable (~~school district and~~  
21 ~~school principal or institution's department of public safety~~)  
22 administrator whenever a student's risk level classification is  
23 changed or the sheriff is notified of a change in the student's  
24 address.

25 (~~(4)~~) (5) Any information received by school or institution  
26 personnel under this (~~subsection~~) section is confidential and may  
27 not be further disseminated except as provided in RCW 28A.225.330,  
28 other statutes or case law, and the family and educational and  
29 privacy rights act of 1994, 20 U.S.C. Sec. 1232g et seq.

30 (6) For the purposes of this section, "administrator" means: (a)  
31 The superintendent of the school district, or his or her designee, of  
32 a common school as defined in RCW 28A.150.020 or a school that is the  
33 subject of a state-tribal education compact under chapter 28A.715  
34 RCW; (b) the administrator of a charter public school governed by  
35 chapter 28A.710 RCW; (c) the administrator of a private school  
36 approved under chapter 28A.195 RCW; or (d) the director of the  
37 department of public safety at an institution of higher education.

38 **Sec. 6.** RCW 13.04.155 and 2000 c 27 s 1 are each amended to read  
39 as follows:

1 (1) (~~Whenever a minor enrolled in any common school is~~) The  
2 provisions of this section apply only to persons who:

3 (a) Were adjudicated in juvenile court or convicted in adult  
4 criminal court (~~(, or adjudicated or entered into a diversion~~  
5 ~~agreement with the juvenile court on any)) of (the following~~  
6 ~~offenses, the court must notify the principal of the student's school~~  
7 ~~of the disposition of the case, after first notifying the parent or~~  
8 ~~legal guardian that such notification will be made:~~

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

10 ~~(b) A)~~ or sex offense as defined in RCW 9.94A.030;

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

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

13 ~~(e) A liquor violation under RCW 66.44.270; and~~

14 ~~(f) Any crime under chapters 9.41, 9A.36, 9A.40, 9A.46, and 9A.48~~  
15 ~~RCW.~~

16 ~~(2) The principal must provide the information received under~~  
17 ~~subsection (1) of this section to every teacher of any student who~~  
18 ~~qualifies under subsection (1) of this section and any other~~  
19 ~~personnel who, in the judgment of the principal, supervises the~~  
20 ~~student or for security purposes should be aware of the student's~~  
21 ~~record. The principal must provide the information to teachers and~~  
22 ~~other personnel based on any written records that the principal~~  
23 ~~maintains or receives from a juvenile court administrator or a law~~  
24 ~~enforcement agency regarding the student.))~~

25 (b) Are twenty-one years of age or younger; and

26 (c) Who have not received a high school diploma or its  
27 equivalent.

28 (2) (a) The court must provide written notification of the  
29 juvenile court adjudication or adult criminal court conviction of a  
30 person described in subsection (1) of this section to the  
31 administrator of the school where the person:

32 (i) Was enrolled prior to adjudication or conviction; or

33 (ii) Has expressed an intention to enroll following adjudication  
34 or conviction.

35 (b) The notification required under (a) of this subsection may  
36 only be made after first notifying the person's parent or guardian of  
37 the requirements of (a) of this subsection.

38 (3) Any information received by ~~((a principal or school~~  
39 ~~personnel))~~ an administrator under this section is confidential and  
40 may not be further disseminated except as provided in RCW

1 28A.225.330, other statutes or case law, and the family and  
2 educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et  
3 seq.

4 (4) For the purposes of this section, "administrator" means: (a)  
5 The superintendent of the school district, or his or her designee, of  
6 a common school as defined in RCW 28A.150.020 or a school that is the  
7 subject of a state-tribal education compact under chapter 28A.715  
8 RCW; (b) the administrator of a charter public school governed by  
9 chapter 28A.710 RCW; or (c) the administrator of a private school  
10 approved under chapter 28A.195 RCW.

11 **Sec. 7.** RCW 13.40.215 and 1999 c 198 s 1 are each amended to  
12 read as follows:

13 (1)(a) Except as provided in subsection (2) of this section, at  
14 the earliest ((possible)) practicable date, and in no event later  
15 than thirty days before discharge, parole, or any other authorized  
16 leave or release, or before transfer to a community residential  
17 facility, the secretary shall send written notice of the discharge,  
18 parole, authorized leave or release, or transfer of a juvenile found  
19 to have committed a violent offense, a sex offense, or stalking, to  
20 the following:

21 (i) The chief of police of the city, if any, in which the  
22 juvenile will reside; and

23 (ii) The sheriff of the county in which the juvenile will  
24 reside(~~;~~~~and~~

25 ~~(iii) The approved private schools and the common school district~~  
26 ~~board of directors of the district in which the juvenile intends to~~  
27 ~~reside or the approved private school or public school district in~~  
28 ~~which the juvenile last attended school, whichever is appropriate,~~  
29 ~~except when it has been determined by the department that the~~  
30 ~~juvenile is twenty-one years old or will be in the community for less~~  
31 ~~than seven consecutive days on approved leave and will not be~~  
32 ~~attending school during that time)).~~

33 (b) ~~((After July 25, 1999, the department shall send a written~~  
34 ~~notice to approved private and public schools under the same~~  
35 ~~conditions identified in subsection (1)(a)(iii) of this section when~~  
36 ~~a juvenile adjudicated of any offense is transferred to a community~~  
37 ~~residential facility, discharged, paroled, released, or granted a~~  
38 ~~leave.))~~ (i) Except as provided in subsection (2) of this section, at  
39 the earliest practicable date, and in no event later than thirty days

1 before discharge, parole, or any other authorized leave or release,  
2 or before transfer to a community residential facility, the secretary  
3 shall send written notice of the discharge, parole, authorized leave  
4 or release, or transfer of an individual who is found to have  
5 committed a violent offense or a sex offense, is twenty-one years of  
6 age or younger, and has not received a high school diploma or its  
7 equivalent, to the administrator of the school where the juvenile  
8 either: (A) Was enrolled prior to incarceration or detention; or (B)  
9 has expressed an intention to enroll following his or her release.  
10 This notice must also include the restrictions described in  
11 subsection (5) of this section.

12 (ii) The community residential facility shall provide written  
13 notice of the offender's criminal history to the administrator of any  
14 school that the offender attends while residing at the community  
15 residential facility and to any employer that employs the offender  
16 while residing at the community residential facility.

17 (iii) As used in this subsection, "administrator" means: (A) The  
18 superintendent of the school district, or his or her designee, of a  
19 common school as defined in RCW 28A.150.020 or a school that is the  
20 subject of a state-tribal education compact under chapter 28A.715  
21 RCW; (B) the administrator of a charter public school governed by  
22 chapter 28A.710 RCW; or (C) the administrator of a private school  
23 approved under chapter 28A.195 RCW.

24 (c) The same notice as required by (a) of this subsection shall  
25 be sent to the following, if such notice has been requested in  
26 writing about a specific juvenile:

27 (i) The victim of the offense for which the juvenile was found to  
28 have committed or the victim's next of kin if the crime was a  
29 homicide;

30 (ii) Any witnesses who testified against the juvenile in any  
31 court proceedings involving the offense; and

32 (iii) Any person specified in writing by the prosecuting  
33 attorney.

34 Information regarding victims, next of kin, or witnesses requesting  
35 the notice, information regarding any other person specified in  
36 writing by the prosecuting attorney to receive the notice, and the  
37 notice are confidential and shall not be available to the juvenile.  
38 The notice to the chief of police or the sheriff shall include the  
39 identity of the juvenile, the residence where the juvenile will  
40 reside, the identity of the person, if any, responsible for

1 supervising the juvenile, and the time period of any authorized  
2 leave.

3 (d) The thirty-day notice requirements contained in this  
4 subsection shall not apply to emergency medical furloughs.

5 (e) The existence of the notice requirements in this subsection  
6 will not require any extension of the release date in the event the  
7 release plan changes after notification.

8 (2)(a) If a juvenile found to have committed a violent offense, a  
9 sex offense, or stalking escapes from a facility of the department,  
10 the secretary shall immediately notify, by the most reasonable and  
11 expedient means available, the chief of police of the city and the  
12 sheriff of the county in which the juvenile resided immediately  
13 before the juvenile's arrest. If previously requested, the secretary  
14 shall also notify the witnesses and the victim of the offense which  
15 the juvenile was found to have committed or the victim's next of kin  
16 if the crime was a homicide. If the juvenile is recaptured, the  
17 secretary shall send notice to the persons designated in this  
18 subsection as soon as possible but in no event later than two working  
19 days after the department learns of such recapture.

20 (b) The secretary may authorize a leave, for a juvenile found to  
21 have committed a violent offense, a sex offense, or stalking, which  
22 shall not exceed forty-eight hours plus travel time, to meet an  
23 emergency situation such as a death or critical illness of a member  
24 of the juvenile's family. The secretary may authorize a leave, which  
25 shall not exceed the time medically necessary, to obtain medical care  
26 not available in a juvenile facility maintained by the department.  
27 Prior to the commencement of an emergency or medical leave, the  
28 secretary shall give notice of the leave to the appropriate law  
29 enforcement agency in the jurisdiction in which the juvenile will be  
30 during the leave period. The notice shall include the identity of the  
31 juvenile, the time period of the leave, the residence of the juvenile  
32 during the leave, and the identity of the person responsible for  
33 supervising the juvenile during the leave. If previously requested,  
34 the department shall also notify the witnesses and victim of the  
35 offense which the juvenile was found to have committed or the  
36 victim's next of kin if the offense was a homicide.

37 In case of an emergency or medical leave the secretary may waive  
38 all or any portion of the requirements for leaves pursuant to RCW  
39 13.40.205 (2)(a), (3), (4), and (5).

1 (3) If the victim, the victim's next of kin, or any witness is  
2 under the age of sixteen, the notice required by this section shall  
3 be sent to the parents or legal guardian of the child.

4 (4) The secretary shall send the notices required by this chapter  
5 to the last address provided to the department by the requesting  
6 party. The requesting party shall furnish the department with a  
7 current address.

8 (5) Upon discharge, parole, transfer to a community residential  
9 facility, or other authorized leave or release, a convicted juvenile  
10 sex offender shall not attend a public or approved private  
11 elementary, middle, or high school that is attended by a victim or a  
12 sibling of a victim of the sex offender. The parents or legal  
13 guardians of the convicted juvenile sex offender shall be responsible  
14 for transportation or other costs associated with or required by the  
15 sex offender's change in school that otherwise would be paid by a  
16 school district. ~~((Upon discharge, parole, transfer to a community  
17 residential facility, or other authorized leave or release of a  
18 convicted juvenile sex offender, the secretary shall send written  
19 notice of the discharge, parole, or other authorized leave or release  
20 and the requirements of this subsection to the common school district  
21 board of directors of the district in which the sex offender intends  
22 to reside or the district in which the sex offender last attended  
23 school, whichever is appropriate. The secretary shall send a similar  
24 notice to any approved private school the juvenile will attend, if  
25 known, or if unknown, to the approved private schools within the  
26 district the juvenile resides or intends to reside.))~~

27 (6) For purposes of this section the following terms have the  
28 following meanings:

29 (a) "Violent offense" means a violent offense under RCW  
30 9.94A.030;

31 (b) "Sex offense" means a sex offense under RCW 9.94A.030;

32 (c) "Stalking" means the crime of stalking as defined in RCW  
33 9A.46.110;

34 (d) "Next of kin" means a person's spouse, parents, siblings, and  
35 children.

36 **Sec. 8.** RCW 28A.225.330 and 2013 c 182 s 10 are each amended to  
37 read as follows:

38 (1) When enrolling a student who has attended school in another  
39 school district, the school enrolling the student may request the

1 parent and the student to briefly indicate in writing whether or not  
2 the student has:

- 3 (a) Any history of placement in special educational programs;
- 4 (b) Any past, current, or pending disciplinary action;
- 5 (c) Any history of violent behavior, or behavior listed in RCW  
6 13.04.155;
- 7 (d) Any unpaid fines or fees imposed by other schools; and
- 8 (e) Any health conditions affecting the student's educational  
9 needs.

10 (2) The school enrolling the student shall request (~~the school~~  
11 ~~the student previously attended to send~~) the student's permanent  
12 record including records of disciplinary action, history of violent  
13 behavior or behavior listed in RCW 13.04.155, attendance,  
14 immunization records, and academic performance from the school the  
15 student previously attended. If the student has not paid a fine or  
16 fee under RCW 28A.635.060, or tuition, fees, or fines at approved  
17 private schools the school may withhold the student's official  
18 transcript, but shall transmit information about the student's  
19 academic performance, special placement, immunization records,  
20 records of disciplinary action, and history of violent behavior or  
21 behavior listed in RCW 13.04.155. If the official transcript is not  
22 sent due to unpaid tuition, fees, or fines, the enrolling school  
23 shall notify both the student and parent or guardian that the  
24 official transcript will not be sent until the obligation is met, and  
25 failure to have an official transcript may result in exclusion from  
26 extracurricular activities or failure to graduate.

27 (3) Upon request, school districts shall furnish a set of  
28 unofficial educational records to a parent or guardian of a student  
29 who is transferring out of state and who meets the definition of a  
30 child of a military family in transition under Article II of RCW  
31 28A.705.010. School districts may charge the parent or guardian the  
32 actual cost of providing the copies of the records.

33 (4) If information is requested under subsection (2) of this  
34 section, the information shall be transmitted within two school days  
35 after receiving the request and the records shall be sent as soon as  
36 possible. The records of a student who meets the definition of a  
37 child of a military family in transition under Article II of RCW  
38 28A.705.010 shall be sent within ten days after receiving the  
39 request. Any school district or district employee who releases the  
40 information in compliance with this section is immune from civil

1 liability for damages unless it is shown that the school district  
2 employee acted with gross negligence or in bad faith. The  
3 professional educator standards board shall provide by rule for the  
4 discipline under chapter 28A.410 RCW of a school principal or other  
5 chief administrator of a public school building who fails to make a  
6 good faith effort to assure compliance with this subsection.

7 (5) Any school district or district employee who releases the  
8 information in compliance with federal and state law is immune from  
9 civil liability for damages unless it is shown that the school  
10 district or district employee acted with gross negligence or in bad  
11 faith.

12 ~~(6) ((When a school receives information under this section or  
13 RCW 13.40.215 that a student has a history of disciplinary actions,  
14 eriminal or violent behavior, or other behavior that indicates the  
15 student could be a threat to the safety of educational staff or other  
16 students, the school shall provide this information to the student's  
17 teachers and security personnel.~~

18 ~~(7))~~ A school may not prevent a student who is dependent  
19 pursuant to chapter 13.34 RCW from enrolling if there is incomplete  
20 information as enumerated in subsection (1) of this section during  
21 the ten business days that the department of social and health  
22 services has to obtain that information under RCW 74.13.631. In  
23 addition, upon enrollment of a student who is dependent pursuant to  
24 chapter 13.34 RCW, the school district must make reasonable efforts  
25 to obtain and assess that child's educational history in order to  
26 meet the child's unique needs within two business days.

27 **Sec. 9.** RCW 72.09.730 and 2011 c 107 s 1 are each amended to  
28 read as follows:

29 (1) ~~((At the earliest possible date and in no event later than  
30 thirty days before))~~ The provisions of this section apply only to an  
31 offender ~~((is))~~ released from confinement ~~((, the department shall  
32 provide notice to the school district board of directors of the  
33 district in which the offender last attended school if the offender))~~  
34 who:

35 (a) Was convicted of a violent offense or sex offense as defined  
36 in RCW 9.9A.030;

37 (b) Is twenty-one years of age or younger at the time of  
38 release ~~((~~

1 ~~(b) Has been convicted of a violent offense, a sex offense, or~~  
2 ~~stalking)); and~~

3 (c) ~~((Last attended))~~ Has not received a high school ((in this  
4 state)) diploma or its equivalent.

5 (2) At the earliest practicable date, and in no event later than  
6 thirty days before release from confinement, the department must  
7 provide written notification of the release of an offender described  
8 in subsection (1) of this section to the administrator of the school  
9 where the offender:

10 (a) Was enrolled prior to incarceration or detention; or

11 (b) Has expressed an intention to enroll following his or her  
12 release.

13 (3) If after providing notification as required under subsection  
14 (2) of this section, the release of an offender described in  
15 subsection (1) of this section is delayed, the department must inform  
16 the administrator of the modified release date.

17 (4) This section applies whenever an offender is being released  
18 from total confinement, regardless if the release is to parole,  
19 community custody, work release placement, or furlough.

20 (5) For the purposes of this section, "administrator" means: (a)  
21 The superintendent of the school district, or his or her designee, of  
22 a common school as defined in RCW 28A.150.020 or a school that is the  
23 subject of a state-tribal education compact under chapter 28A.715  
24 RCW; (b) the administrator of a charter public school governed by  
25 chapter 28A.710 RCW; or (c) the administrator of a private school  
26 approved under chapter 28A.195 RCW.

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