

1 (b) Upon receipt of information about a violent offense as
2 defined in RCW 9.94A.030, any crime under chapter 9.41 RCW, unlawful
3 possession or delivery, or both, of a controlled substance in
4 violation of chapter 69.50 RCW, or a school disciplinary action, the
5 principal, subject to requirements of subsection (4) of this section,
6 has discretion to share the information with a school district staff
7 member if, in the principal's judgment, the information is necessary
8 for:

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

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

12 (iii) Security purposes.

13 (4)(a) Upon receipt of information about an adjudication in
14 juvenile court for an unlawful possession of a controlled substance
15 in violation of chapter 69.50 RCW, the principal must notify the
16 student and the parent or legal guardian at least five days before
17 sharing the information with a school district staff member.

18 (b) If either the student or the student's parent or legal
19 guardian objects to the proposed sharing of the information, the
20 student, the student's parent or legal guardian, or both, may, within
21 five business days of receiving notice from the principal, appeal the
22 decision to share the information with staff to the superintendent of
23 the school district in accordance with procedures adopted by the
24 district.

25 (c) The superintendent shall have five business days after
26 receiving an appeal under (b) of this subsection to make a written
27 determination on the matter. Determinations by superintendents under
28 this subsection are final and not subject to further appeal.

29 (d) A principal may not share adjudication information under this
30 subsection with a school district staff member while an appeal is
31 pending.

32 (5) Any information received by school district staff under this
33 section is exempt from disclosure under chapter 42.56 RCW and may not
34 be further disseminated except as provided in RCW 28A.225.330, other
35 statutes or case law, and the family and educational and privacy
36 rights act of 1994 (20 U.S.C. Sec. 1232g et seq.).

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

1 The administrator of a private school approved under this chapter
2 must comply with the notification provisions of section 1 of this act
3 that apply to superintendents, designees of superintendents, and
4 principals.

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

7 The administrator of a charter public school governed by this
8 chapter must comply with the notification provisions of section 1 of
9 this act that apply to superintendents, designees of superintendents,
10 and principals.

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

13 (1) By September 1, ~~((2003))~~ 2020, each school district board of
14 directors shall adopt a policy that addresses the following issues:

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

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

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

28 (2) The ~~((superintendent of public instruction))~~ Washington state
29 school directors' association, in consultation with educators and
30 representatives of law enforcement, classified staff, ~~((and))~~
31 organizations with expertise in violence prevention and intervention,
32 and organizations that provide free legal services for youth, shall
33 adopt, and revise as necessary, a model policy that includes the
34 issues listed in subsection (1) of this section ~~((by January 1,
35 2003))~~. The model policy shall be ~~((posted on the superintendent of
36 public instruction's))~~ disseminated by the Washington state school
37 directors' association and made available to the public on its web
38 site. ~~((The))~~ Each school district ~~((s, in drafting their own~~

1 ~~policies,~~) shall (~~review~~) adopt the model policy required by this
2 subsection unless it has a compelling reason to develop and adopt a
3 different policy that also addresses the issues identified in
4 subsection (1) of this section.

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

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

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

15 (1) Upon receiving notice from a registered person pursuant to
16 RCW 9A.44.130 that the person will be attending a school enrolling
17 students in grades kindergarten through twelve or an institution of
18 higher education, or will be employed with an institution of higher
19 education, the sheriff must promptly notify the designated recipient
20 of the school (~~district and the school principal~~) or
21 institution(~~'s department~~) of (~~public safety and shall provide~~
22 ~~that school or department with~~) the person's: (a) Name and any
23 aliases used; (b) complete residential address; (c) date and place of
24 birth; (d) place of employment; (e) crime for which convicted; (f)
25 date and place of conviction; (g) (~~social security number;~~ ~~(h)~~)
26 photograph; and (~~(i)~~) (h) risk level classification.

27 (2) (~~A principal or department~~) Except as provided in
28 subsection (3) of this section, a designated recipient receiving
29 notice under this (~~subsection~~) section must disclose the
30 information received from the sheriff as follows:

31 (a) If the student is classified as a risk level II or III, the
32 (~~principal~~) designated recipient shall provide the information
33 received to every teacher of the student and to any other personnel
34 who, in the judgment of the (~~principal~~) designated recipient,
35 supervises the student or for security purposes should be aware of
36 the student's record;

37 (b) If the student is classified as a risk level I, the
38 (~~principal or department~~) designated recipient shall provide the
39 information received only to personnel who, in the judgment of the

1 (~~principal or department~~) designated recipient, for security
2 purposes should be aware of the student's record.

3 (3) When the designated recipient is the administrator of a
4 school district, the designated recipient must disclose the
5 information to the principal of the school that the registered person
6 will be attending, whether the school is a common school as defined
7 in RCW 28A.150.020 or a school that is the subject of a state-tribal
8 education compact under chapter 28A.715 RCW. The principal must then
9 disclose the information as provided in subsection (2) of this
10 section.

11 (4) The sheriff shall notify the applicable (~~school district and~~
12 ~~school principal or institution's department of public safety~~)
13 designated recipient whenever a student's risk level classification
14 is changed or the sheriff is notified of a change in the student's
15 address.

16 (~~(4)~~) (5) Any information received by school or institution
17 personnel under this (~~subsection~~) section is (~~confidential~~)
18 exempt from disclosure under chapter 42.56 RCW and may not be further
19 disseminated except as provided in RCW 28A.225.330, other statutes or
20 case law, and the family and educational and privacy rights act of
21 1994, 20 U.S.C. Sec. 1232g et seq.

22 (6) For the purposes of this section, "designated recipient"
23 means: (a) The superintendent of the school district, or his or her
24 designee, of a common school as defined in RCW 28A.150.020 or a
25 school that is the subject of a state-tribal education compact under
26 chapter 28A.715 RCW; (b) the administrator of a charter public school
27 governed by chapter 28A.710 RCW; (c) the administrator of a private
28 school approved under chapter 28A.195 RCW; or (d) the director of the
29 department of public safety at an institution of higher education.

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

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

34 (a) Were adjudicated in juvenile court or convicted in adult
35 criminal court (~~, or adjudicated or entered into a diversion~~
36 agreement with the juvenile court on any)) of (~~the following~~
37 offenses, the court must notify the principal of the student's school
38 of the disposition of the case, after first notifying the parent or
39 legal guardian that such notification will be made)):

1 ~~((a))~~ (i) A violent offense as defined in RCW 9.94A.030;
2 ~~((b))~~ (ii) A sex offense as defined in RCW 9.94A.030;
3 ~~((c) Inhaling toxic fumes under chapter 9.47A RCW;~~
4 ~~(d) A controlled substances violation under chapter 69.50 RCW;~~
5 ~~(e) A liquor violation under RCW 66.44.270; and~~
6 ~~(f) Any crime under chapters 9.41, 9A.36, 9A.40, 9A.46, and 9A.48~~
7 ~~RCW.~~

8 ~~(2) The principal must provide the information received under~~
9 ~~subsection (1) of this section to every teacher of any student who~~
10 ~~qualifies under subsection (1) of this section and any other~~
11 ~~personnel who, in the judgment of the principal, supervises the~~
12 ~~student or for security purposes should be aware of the student's~~
13 ~~record. The principal must provide the information to teachers and~~
14 ~~other personnel based on any written records that the principal~~
15 ~~maintains or receives from a juvenile court administrator or a law~~
16 ~~enforcement agency regarding the student.))~~

17 (iii) Any crime under chapter 9.41 RCW; or

18 (iv) Unlawful possession or delivery, or both, of a controlled
19 substance in violation of chapter 69.50 RCW;

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

21 (c) Have not received a high school diploma or its equivalent.

22 (2) (a) The court must provide written notification of the
23 juvenile court adjudication or adult criminal court conviction of a
24 person described in subsection (1) of this section to the designated
25 recipient of the school where the person:

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

27 (ii) Has expressed an intention to enroll following adjudication
28 or conviction.

29 (b) No notification is required if the person described in
30 subsection (1) of this section is between eighteen and twenty-one
31 years of age and:

32 (i) The person's prior or intended enrollment information cannot
33 be obtained; or

34 (ii) The person asserts no intention of enrolling in an
35 educational program.

36 (3) Any information received by a ~~((principal or school~~
37 ~~personnel))~~ designated recipient under this section is
38 ~~((confidential))~~ exempt from disclosure under chapter 42.56 RCW and
39 may not be further disseminated except as provided in RCW
40 28A.225.330, other statutes or case law, and the family and

1 educational and privacy rights act of 1994, 20 U.S.C. Sec. 1232g et
2 seq.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

33 Information regarding victims, next of kin, or witnesses requesting
34 the notice, information regarding any other person specified in
35 writing by the prosecuting attorney to receive the notice, and the
36 notice are confidential and shall not be available to the juvenile.
37 The notice to the chief of police or the sheriff shall include the
38 identity of the juvenile, the residence where the juvenile will
39 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 those
36 terms are defined in RCW 9.94A.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 designated recipient of the
9 school 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 designated recipient 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, "designated recipient"
21 means: (a) The superintendent of the school district, or his or her
22 designee, of a common school as defined in RCW 28A.150.020 or a
23 school that is the subject of a state-tribal education compact under
24 chapter 28A.715 RCW; (b) the administrator of a charter public school
25 governed by chapter 28A.710 RCW; or (c) the administrator of a
26 private school approved under chapter 28A.195 RCW.

27 NEW SECTION. Sec. 10. A new section is added to chapter 42.56
28 RCW to read as follows:

29 Information received by a school district superintendent, a
30 designee of the superintendent, or a principal pursuant to RCW
31 28A.225.330, 9A.44.138, 13.04.155, 13.40.215, or 72.09.730 is exempt
32 from disclosure under this chapter.

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