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SENATE BILL 5094

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State of Washington

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By Senators Pearson, Rivers, Roach, Padden, Benton, Bailey, Carrell, Becker, Holmquist Newbry, Litzow, Sheldon, Honeyford, Dammeier, Parlette, Smith, Braun, and Hewitt

Read first time 01/18/13. Referred to Committee on Early Learning & K-12 Education.

1 AN ACT Relating to requiring notification of sex offenders  
2 attending schools; amending RCW 9A.44.138 and 28A.320.125; and adding  
3 a new section to chapter 9A.44 RCW.

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

5 **Sec. 1.** RCW 9A.44.138 and 2011 c 337 s 4 are each amended to read  
6 as follows:

7 (1) Upon receiving notice from a registered person pursuant to RCW  
8 9A.44.130 that the person will be attending a school or institution of  
9 higher education or will be employed with an institution of higher  
10 education, the sheriff must promptly notify the school district and the  
11 school principal or institution's department of public safety and shall  
12 provide that school or department with the person's: (a) Name and any  
13 aliases used; (b) complete residential address; (c) date and place of  
14 birth; (d) place of employment; (e) crime for which convicted; (f) date  
15 and place of conviction; (g) sentence imposed for conviction; (h)  
16 social security number; (~~((h))~~) (i) photograph; and (~~((i))~~) (j) risk  
17 level classification.

18 (2) A principal or department receiving notice under this

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

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

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

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

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

21 NEW SECTION. **Sec. 2.** A new section is added to chapter 9A.44 RCW  
22 to read as follows:

23 (1) When a school district or department of public safety of an  
24 institution of higher education receives notice under RCW 9A.44.138  
25 that a person who is required to register as a sex offender plans to  
26 attend the school, it shall make the following notifications:

27 (a) If the student who is required to register as a sex offender is  
28 classified as a risk level I or is unclassified, the school district or  
29 department of public safety shall provide the information received  
30 under RCW 9A.44.138 only to personnel who, in the judgment of the  
31 school district, the school principal, or department of public safety,  
32 for security purposes should be aware of the student's record.

33 (b)(i) If the student who is required to register as a sex offender  
34 is classified as a risk level II or III, the school district or  
35 department of public safety shall provide the information received  
36 under RCW 9A.44.138 to the student's teachers and to any other

1 personnel who, in the judgment of the school district, the school  
2 principal, or department of public safety, supervises the student or  
3 for security purposes should be aware of the student's record.

4 (ii) If the student who is required to register as a sex offender  
5 is classified as a risk level II or III, the school district or  
6 department of public safety shall also notify parents, legal guardians,  
7 students who are eighteen years of age or older, and any personnel who  
8 may observe or come into contact with the student, including school  
9 administrators, teachers, staff persons, bus drivers, security staff,  
10 coaches, playground supervisors, and maintenance personnel.

11 (iii) A school district or department of public safety shall  
12 provide the notice required by (b)(ii) of this subsection in writing at  
13 the beginning of the school year and at any time a new student who is  
14 required to register as a sex offender enrolls in or arrives at the  
15 school or institution to attend classes. The school district or  
16 department of public safety shall also provide the notice by e-mail, if  
17 available. The notice provided under (b)(ii) of this subsection must  
18 include the name of the student required to register as a sex offender,  
19 the crime of conviction, the sentence imposed, and an internet link, if  
20 available, to a local law enforcement agency web site where interested  
21 persons may seek further information about registered sex offenders.

22 (2) Any information received by a school district, principal, or  
23 school personnel under this section is confidential and may not be  
24 further disseminated except as provided in RCW 28A.225.330, other  
25 statutes or case law, and the family and educational and privacy rights  
26 act of 1994, 20 U.S.C. Sec. 1232g et seq.

27 (3) This section may not be construed to confer any powers pursuant  
28 to RCW 4.24.550 upon the public safety department of any public or  
29 private school or institution of higher education.

30 **Sec. 3.** RCW 28A.320.125 and 2009 c 578 s 10 are each amended to  
31 read as follows:

32 (1) The legislature considers it to be a matter of public safety  
33 for public schools and staff to have current safe school plans and  
34 procedures in place, fully consistent with federal law. The  
35 legislature further finds and intends, by requiring safe school plans  
36 to be in place, that school districts will become eligible for federal

1 assistance. The legislature further finds that schools are in a  
2 position to serve the community in the event of an emergency resulting  
3 from natural disasters or man-made disasters.

4 (2) Schools and school districts shall consider the guidance  
5 provided by the superintendent of public instruction, including the  
6 comprehensive school safety checklist and the model comprehensive safe  
7 school plans that include prevention, intervention, all hazard/crisis  
8 response, and postcrisis recovery, when developing their own individual  
9 comprehensive safe school plans. Each school district shall adopt, no  
10 later than September 1, 2008, and implement a safe school plan  
11 consistent with the school mapping information system pursuant to RCW  
12 36.28A.060. The plan shall:

13 (a) Include required school safety policies and procedures;

14 (b) Address emergency mitigation, preparedness, response, and  
15 recovery;

16 (c) Include provisions for assisting and communicating with  
17 students and staff, including those with special needs or disabilities;

18 (d) Use the training guidance provided by the Washington emergency  
19 management division of the state military department in collaboration  
20 with the Washington state office of the superintendent of public  
21 instruction school safety center and the school safety center advisory  
22 committee;

23 (e) Require the building principal to be certified on the incident  
24 command system;

25 (f) Take into account the manner in which the school facilities may  
26 be used as a community asset in the event of a community-wide  
27 emergency; and

28 (g) Set guidelines for requesting city or county law enforcement  
29 agencies, local fire departments, emergency service providers, and  
30 county emergency management agencies to meet with school districts and  
31 participate in safety-related drills.

32 (3) To the extent funds are available, school districts shall  
33 annually:

34 (a) Review and update safe school plans in collaboration with local  
35 emergency response agencies;

36 (b) Conduct an inventory of all hazardous materials;

37 (c) Update information on the school mapping information system to  
38 reflect current staffing and updated plans, including:

1 (i) Identifying all staff members who are trained on the national  
2 incident management system, trained on the incident command system, or  
3 are certified on the incident command system; and

4 (ii) Identifying school transportation procedures for evacuation,  
5 to include bus staging areas, evacuation routes, communication systems,  
6 parent-student reunification sites, and secondary transportation  
7 agreements consistent with the school mapping information system; and

8 (d) Provide information to all staff on the use of emergency  
9 supplies and notification and alert procedures.

10 (4) To the extent funds are available, school districts shall  
11 annually record and report on the information and activities required  
12 in subsection (3) of this section to the Washington association of  
13 sheriffs and police chiefs.

14 (5) School districts are encouraged to work with local emergency  
15 management agencies and other emergency responders to conduct one  
16 tabletop exercise, one functional exercise, and two full-scale  
17 exercises within a four-year period.

18 (6) Schools shall conduct no less than one safety-related drill  
19 each month that school is in session. Schools shall complete no less  
20 than one drill using the school mapping information system, one drill  
21 for lockdowns, one drill for shelter-in-place, and six drills for fire  
22 evacuation in accordance with the state fire code. Schools should  
23 consider drills for earthquakes, tsunamis, or other high-risk local  
24 events. Schools shall document the date and time of such drills. This  
25 subsection is intended to satisfy all federal requirements for  
26 comprehensive school emergency drills and evacuations.

27 (7) Educational service districts are encouraged to apply for  
28 federal emergency response and crisis management grants with the  
29 assistance of the superintendent of public instruction and the  
30 Washington emergency management division of the state military  
31 department.

32 (8) School districts shall collect the residential addresses and e-  
33 mail addresses of parents, legal guardians, students who are eighteen  
34 years of age or older, and school district personnel. School districts  
35 shall collect this information prior to the beginning of the school  
36 year and at any time a student enrolls in a school in the district or  
37 an employee is hired by the school district.

1        (9) The superintendent of public instruction may adopt rules to  
2        implement provisions of this section. These rules may include, but are  
3        not limited to, provisions for evacuations, lockdowns, or other  
4        components of a comprehensive safe school plan.

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