



Date: September 1, 2020

TO: Stanwood-Camano School District Board of Directors

FROM: Maurene Stanton, Executive Director of Human Resources

SUBJECT: First Reading Revised Policy 3143 Notification and Dissemination of Information about Student Offenses and Notification of Threats of Violence or Harm

TYPE: ACTION REQUIRED

The Washington State School Directors Association (WSSDA) has revised model policy 3143 Notification and Dissemination of Information about Student Offenses and Notification of Threats of Violence or Harm, by merging the content of retired policies 3144 Release of Information Concerning Student Sexual and Kidnapping Offenses and 4314 Notification of Threats of Violence or Harm.

**Recommendation: That the board approve revised policy 3143 Notification and Dissemination of Information about Student Offenses and Notification of Threats of Violence or Harm.**

## DISTRICT NOTIFICATION OF JUVENILE OFFENDERS

A court will notify the principal of a school in which a student is enrolled if the student has been convicted, adjudicated, or entered into a diversion agreement for any of the following offenses: a violent offense, a sex offense, a firearms offense, inhaling toxic fumes, a drug offense, liquor offense, assault, kidnapping, harassment, stalking or arson. If the district receives this information instead of the principal, the district will provide it to the building principal.

The Department of Social and Health Services (DSHS) will notify the board of directors in writing at least thirty days before a juvenile convicted of a violent offense, a sex offense or stalking is discharged, paroled, given authorized leave or otherwise released to reside in the district. The District will ensure that this written information is provided to the pertinent building principal. The DSHS Sex Offender School Attendance Program assists with ensuring that juvenile sex offenders, committed to Juvenile Rehabilitation Administration (JRA), do not enroll in the same school as their victim or their victim's siblings. If there is a conflict in the schools, DSHS program staff will work with JRA to have the offender moved to another school.

A community residential facility to which an adjudicated juvenile is transferred shall provide written notice of the offender's criminal history to the district if the juvenile is attending school in the district while residing at the community residential facility. The district will ensure that such written notice is provided to the pertinent building principal.

When the principal receives notification of juvenile offenders as described above, he or she must provide the information received about the student to every teacher of the student and to any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student's record. The information that the principal must provide is based on any written records that the principal maintains or receives from a juvenile court administrator or a law enforcement agency regarding the student.

Any information received by a principal or school personnel under this policy is confidential and may not be further disseminated except as allowed by the statute for transfer of records (RCW 28A.225.330), other statutes and case law, or the Family and Educational and Privacy Rights Act, 20 U.S.C. Sec. 1232g et seq.

If a student is convicted of, adjudicated for, or has entered into a diversion agreement for assault, kidnapping, harassment, stalking, or arson against a teacher, then that student will never be assigned to that teacher's classroom. Additionally, if a student is convicted of, adjudicated for, or has entered into a diversion agreement for assault, kidnapping, harassment, stalking or arson against another student, the offending student will never be assigned to the same class as the other student.

Convicted juvenile sex offenders shall not attend a school attended by their victims or a victim's sibling. Offenders and their parents or guardians shall be responsible for providing transportation or covering other costs related to the offender's attendance at another school.

Cross References:	Board Policy 2161	Special Education and Related Services for Eligible Students
	Board Policy 3140	Release of Resident Students
	Board Policy 3144	Release of Information Concerning Student Sexual and Kidnapping Offenders
	Board Policy 3231	Student Records
	Board Policy 4020	Confidential Communications
	Board Policy 4315	Release of Information Regarding Sexual Offenders
Legal References:	RCW 13.04.155	Notification to school principal of conviction, adjudication, or diversion agreement—provision of information to teachers and other personnel — Confidentiality
	RCW 13.40.215	Juveniles found to have committed violent or sex offense or stalking — Notification

of discharge, parole, leave release,  
transfer, or escape — To whom given —  
Definitions

RCW 28A.600.460

Classroom discipline--policies--classroom  
placement of student offenders — data  
on disciplinary actions

**Management Resources:**

Policy News, August 1997

Legislature addresses student discipline

Policy News, June 1999

School safety bills impact policy

2010 – October Issue

2018 – August Issue

2018 – December 2018 – December Policy Issue

**NOTIFICATION AND DISSEMINATION OF INFORMATION ABOUT  
STUDENT OFFENSES AND NOTIFICATION OF THREATS OF  
VIOLENCE OR HARM**

The Stanwood-Camano School District is committed to providing a safe and secure environment for all its students and staff. All students, including those who have committed or been adjudicated for offenses, have constitutional rights to public education.

**A. Notification of Student Offenses from County Sheriff’s Office, Courts, Department of Social and Health Services, Department of Corrections, and Other School Districts.**

The district receives notices and information about student offenders from several statutorily authorized sources, including the county sheriff’s office, the courts, the department of social and health services, the department of corrections, and other school districts where the student previously enrolled. The district will take appropriate precautionary measures when it receives notices and information of student offenses from any of these sources. Student discipline, if any, will be consistent with 3241 – Student Discipline.

The superintendent, or his or her designee, and school principals play an important role in determining and implementing appropriate precautionary measures relating to notices and information about student offenses. If the superintendent, a designee of the superintendent, or a principal of a school receives student offense information under RCW 28A.225.330 (notifications from other school districts), 9A.44.138 (sheriff notifications to school districts), 13.04.155 (court notifications to school districts), 13.40.215 (department of children, youth, and families notifications to school districts), or 72.09.730 (department of corrections notifications to school districts), the following notification provisions will be followed.

**1. Sex Offenses and Registered Sex or Kidnapping Offenders.**

**a. Superintendent or Designee.** Upon receipt of information about sex offenses as defined in RCW 9.94A.030 or upon receipt of information about registered sex or kidnapping offenders pursuant to RCW 9A.44.138, the superintendent or his or her designee will provide the information to the principal of the school where the student is enrolled or will enroll—or, if not known, where the student was most recently enrolled.

**b. Principals.** When the principal receives the information described above, he or she must then disclose the information as follows.

If the student is classified as a risk level II or III, the principal shall provide the information received to every teacher of the student and to any other personnel who, in the judgment of the principal, supervises the student or for security purposes should be aware of the student’s record.

If the student is classified as a risk level I, the principal shall provide the information received only to personnel who, in the judgment of the principal, for security purposes should be aware of the student’s record.

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**c. Convicted Juvenile Sex Offenders Attendance at Victims School.** Convicted juvenile sex offenders are prohibited from attending the elementary, middle, or high school attended by their victims or their victims' siblings. The parents or legal guardians of the convicted juvenile sex offender shall be responsible for providing transportation or covering other costs associated with or required by the sex offender's change in school.

The Department of Social and Health Services (DSHS) Sex Offender School Attendance Program assists with ensuring that juvenile sex offenders, committed to Juvenile Rehabilitation Administration (JRA), do not enroll in the same school as their victim or their victims' siblings. If there is a conflict in schools, DSHS program staff will work with JRA to have the offender moved to another school.

**d. Collaboration.** The principal or designee will consult and collaborate with department of corrections, juvenile justice staff, treatment providers, victim support groups, and families, as applicable, when working with students required to register as a sex or kidnapping offender.

**e. Inquiries by the Public.** Law enforcement agencies receive relevant information about the release of sex and kidnapping offenders into communities and decide when such information needs to be released to the public. Therefore, district and school staff will refer all inquiries by the public at large (including parents and students) regarding students required to register as a sex or kidnapping offender directly to law enforcement.

## **2. Violent Offenses, Firearms and Dangerous Weapons Crimes, Unlawful Possession or Delivery of Controlled Substances, or School Disciplinary Actions.**

**a. Superintendent or Designee.** Upon receipt of information about a violent offense as defined in RCW 9.94A.030, any crime under chapter 9.41 RCW, unlawful possession or delivery, or both, of a controlled substance in violation of chapter 69.50 RCW, or a school disciplinary action, the superintendent or designee will provide the information to the principal of the school where the student is enrolled or will enroll—or, if not known, where the student was most recently enrolled.

**b. Principals.** When the principal receives the information described above, he or she, *has discretion* to share the information with a district staff member if, in the principal's judgment, the information is necessary for:

- The staff member to supervise the student;
- The staff member to provide or refer the student to therapeutic or behavioral health services; or
- Security purposes.

School principals and staff should use care not to allow a student's demographic or personal characteristics to bias the decision of whether to share information received.

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

If either the student or the student's parent or legal guardian objects to the proposed sharing of the information, the student, the student's parent or legal guardian, or both, may, within five business days of receiving notice from the principal, appeal the decision to share the information with staff to the superintendent of the district in accordance with procedures developed by the district.

The superintendent shall have five business days after receiving an appeal under the above to make a written determination on the matter. Determinations by the superintendent under this subsection are final and not subject to further appeal.

A principal may not share adjudication information under this subsection with a district staff member while an appeal is pending.

## **3. Public Records Act.**

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

#### **4. Assignment of Student Offenders to Certain Classrooms.**

A student committing an offense under chapter 9A.36 (assault), 9A.40 (kidnapping, unlawful imprisonment, custodial interference, luring, trafficking, and coercion of involuntary servitude), 9A.46 (harassment), or 9A.48 RCW (arson, reckless burning, and malicious mischief) when the activity is directed toward the teacher, shall not be assigned to that teacher's classroom for the duration of the student's attendance at that school or any other school where the teacher is assigned.

A student who commits an offense under chapter 9A.36 (assault), 9A.40 (kidnapping, unlawful imprisonment, custodial interference, luring, trafficking, and coercion of involuntary servitude), 9A.46 (harassment), or 9A.48 RCW (arson, reckless burning, and malicious mischief), when directed toward another student, may be removed from the classroom of the victim for the duration of the student's attendance at that school or any other school where the victim is enrolled.

#### **B. Notification of Threats of Violence or Harm.**

Students and school employees who are subjects of threats of violence or harm will be notified of the threats in a timely manner. "Threats of violence or harm" means direct or indirect communications by any means of the intent to inflict physical harm upon a specific individual or individuals or that place a person in fear of the imminent likelihood of serious harm.

The district will assess and address potential threats of violence or harm in a manner consistent with Policy and Procedure 3225 – School-Based Threat Assessment, other safety policies, and comprehensive safe school plans. In instances where the threat is deemed moderate risk or high risk, or requires further intervention to prevent violence or serious harm, the school administrator shall notify the parent and/or guardian of any student who is the target/recipient of a threat as well as the parent and/or guardian of any student who made the threat. The district will ensure that the notice is in a language the parent and/or guardian understands, which may require language assistance for parents or guardians with limited-English proficiency under Title VI of the Civil Rights Act of 1964.

If there is a specific and significant threat to the health or safety of a student or other individuals, the district may disclose information from education records to appropriate parties whose knowledge of the information is necessary. Timing and details of the notice will be as extensive as permitted by the federal Family Educational Rights and Privacy Act, other legal limitations, and the circumstances.

The district may use information about a threat of harm or violence in connection with student discipline consistent with Policy and Procedure 3241 – Student Discipline.

The district, board, school officials, and school employees providing notice in good faith as required and consistent with the board's policies are immune from any liability arising out of such notification. A person who intentionally and in bad faith or maliciously, knowingly makes a false notification of a threat under this section is guilty of a misdemeanor punishable under RCW 9A.20.021.

#### **C. Immunity.**

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

#### **Cross References:**

[2161 - Special Education and Related Services for Eligible Students](#)

[2162 - Education of Students With Disabilities Under Section 504 of the Rehabilitation Act of 1973](#)

[3120 - Enrollment](#)

[3140 - Release of Resident Students](#)  
[3207 - Prohibition of Harassment, Intimidation, and Bullying](#)  
[3225 - School-Based Threat Assessment](#)  
[3231 - Student Records](#)  
[3241 - Student Discipline](#)  
[4020 - Confidential Communications](#)  
[5281 - Disciplinary Action and Discharge](#)  
[6513 - Workplace Violence Prevention](#)

Legal References:

[RCW 13.04.155 Notification to school principal of conviction, adjudication, or diversion agreement - Provision of information to teachers and other personnel — Confidentiality](#)  
[RCW 13.40.215 Juveniles found to have committed violent or sex offense or stalking — Notification of discharge, parole, leave, release, transfer, or escape — To whom given — School attendance — Definitions](#)  
[RCW 28A.600.460 Classroom discipline — Policies - Classroom placement of student offenders — Data on disciplinary actions](#)  
[RCW 4.24.550 Sex offenders and kidnapping offenders — Release of information to public — Web site](#)  
[RCW 9A.44.130 Registration of sex offenders and kidnapping offenders — Procedures — Definition — Penalties](#)  
[RCW 28A.225.330 Enrolling students from other districts — Requests for information and permanent records — Withheld transcripts — Immunity from liability — Notification to teachers and security personnel — Rules](#)  
[RCW 28A.320.128 Notice and disclosure policies — Threats of violence — Student conduct — Immunity for good faith notice — Penalty](#)  
[RCW 28A.320; 2020 c 167 1 – Notification provisions](#)  
[RCW 72.09.345 Sex offenders — Release of information to protect public — End-of-sentence review committee — Assessment — Records access — Review, classification, referral of offenders — Issuance of narrative notices](#)  
[WAC 392-400 Student Discipline](#)  
[20 U.S.C. 1232g; 34 C.F.R. Part 99 Family Educational Rights and Privacy Act Article IX, Section 1, Washington State Constitution](#)

Management Resources:

[2018 - December 2018 - December Policy Issue](#)  
[2018 - August 2018 - August Policy Issue](#)  
[2010 - October Issue](#)  
[Policy News, June 1999 School Safety Bills Impact Policy](#)  
[Policy News, August 1997 Legislature addresses student discipline](#)  
[2020 - August Issue](#)

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Stanwood-Camano School District  
Revised: 02.19.19; 03.05.19;**