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

The Sumner-Bonney Lake 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, the principal 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.

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 enrolled—or, if not known, where the student was most recently enrolled.

b. Principals. When the principal, receives the information described above, the principal, *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 (5) 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 (5) 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 (5) 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

Adopted: 4.2023

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