

## Students

### **Notification and Dissemination of Information about Student Offenses and Notification of Threats of Violence or Harm**

The district is committed to providing a safe and secure environment for all of 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 statutory 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.

The Superintendent, or 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 or designee, or principal of a school received student offense information under RCW 28A. 225.330 (notifications from other school districts), 9A.44.138 (sheriff notifications to school districts), 13.04.55 (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 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, they must then disclose the information as follows:

- If the student is classified as a risk level II or III, the principal must 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 for security purposes should be aware of the student's record.
  - If the student is classified as a risk level I, the principal must provide the information received only to personnel who, in the judgement 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 will be responsible for providing transportation or covering other costs associated with or required by the sex offender's change in 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. **Inquires 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 student) regarding student 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 be enrolled or, if not known, where the student was most recently enrolled.
- b. **Principals.** When the principal receives the information described above, they have 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 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, or 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.

The Superintendent will 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 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, will 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. Notifications 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 communication by the 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 3225 and Procedure 3225P – 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 will notify the parent or guardian of any student who is the target/recipient of a threat as well as the parent or guardian of any student who made the threat. The district will ensure that the notice is in a language the parent 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 risk to the health or safety of a student or other individuals, the district may disclose information from educational records to the 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 3241 and Procedure 3241P – Student Discipline.

## **C. Immunity**

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.

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.

#### **D. Notification of Criminal Action**

Upon receiving a report that a criminal action is alleged to have been committed against a student on school property during the school day or during a school-sponsored activity, including if there has been a shooting on school property, or that a student has been detained based on probable cause that they were involved in criminal activity on school property during the school day, the district will immediately notify the student's parents or legal guardians.

Cross References:	Policy No. 2161	Special Education and Related Services for Eligible Students
	Policy No. 2162	Education of Students with Disabilities Under Section 504 of the Rehabilitation Act of 1973
	Policy No. 3120	Enrollment
	Policy No. 3140	Release of Resident Students
	Policy 3207	Prohibition of Harassment, Intimidation and Bullying
	Policy 3225	School-Based Threat Assessment
	Policy No. 3231	Student Records
	Policy No. 3241	Student Discipline
	Policy No. 4020	Confidential Communications
	Policy No. 5281	Disciplinary Action and Discharge
	Policy 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—Definitions
	RCW 28.600.460	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- website

RCW 9A.44.130 Registration of sex offenders and kidnapping offenders- procedures-definitions-penalties

RCW 28A.225.330 Enrolling student from other districts- Requests for information and permanent records-Immunity from liability-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

RCW 28A.605.005 Parental rights

Classification: Critical

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