

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1401

Chapter 324, Laws of 1995

54th Legislature
1995 Regular Session

SHARING OF JUVENILE RECORDS WITH SCHOOLS

EFFECTIVE DATE: 7/23/95

Passed by the House April 20, 1995
Yeas 80 Nays 14

CLYDE BALLARD

**Speaker of the
House of Representatives**

Passed by the Senate April 14, 1995
Yeas 38 Nays 6

JOEL PRITCHARD

President of the Senate

Approved May 11, 1995

MIKE LOWRY

Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1401** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN

Chief Clerk

FILED

May 11, 1995 - 1:16 p.m.

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1401

AS AMENDED BY THE SENATE

Passed Legislature - 1995 Regular Session

State of Washington 54th Legislature 1995 Regular Session

By House Committee on Education (originally sponsored by Representatives Brumsickle, Cole, Carlson, G. Fisher, Mastin, Poulsen, Elliot, Quall, Clements, Smith, Chandler, Patterson, Costa, Mielke, Campbell, Mulliken, Honeyford, Talcott, Cooke, Thompson, L. Thomas, Mitchell, Kremen, Scott, Wolfe, Boldt, Conway and McMorris)

Read first time 02/17/95.

1 AN ACT Relating to sharing of juvenile records among schools and
2 other agencies; amending RCW 28A.225.330; and reenacting and amending
3 RCW 13.40.215.

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

5 **Sec. 1.** RCW 13.40.215 and 1994 c 129 s 6 and 1994 c 78 s 1 are
6 each reenacted and amended to read as follows:

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

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

16 (ii) The sheriff of the county in which the juvenile will reside;
17 and

18 (iii) The approved private schools and the common school district
19 board of directors of the district in which the juvenile intends to

1 reside or the approved private school or public school district in
2 which the juvenile last attended school, whichever is appropriate,
3 except when it has been determined by the department that the juvenile
4 is twenty-one years old; is not required to return to school under
5 chapter 28A.225 RCW; or will be in the community for less than seven
6 consecutive days on approved leave and will not be attending school
7 during that time.

8 (b) The same notice as required by (a) of this subsection shall be
9 sent to the following, if such notice has been requested in writing
10 about a specific juvenile:

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

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

15 (iii) Any person specified in writing by the prosecuting attorney.
16 Information regarding victims, next of kin, or witnesses requesting the
17 notice, information regarding any other person specified in writing by
18 the prosecuting attorney to receive the notice, and the notice are
19 confidential and shall not be available to the juvenile. The notice to
20 the chief of police or the sheriff shall include the identity of the
21 juvenile, the residence where the juvenile will reside, the identity of
22 the person, if any, responsible for supervising the juvenile, and the
23 time period of any authorized leave.

24 (c) The thirty-day notice requirements contained in this subsection
25 shall not apply to emergency medical furloughs.

26 (d) The existence of the notice requirements in this subsection
27 will not require any extension of the release date in the event the
28 release plan changes after notification.

29 (2)(a) If a juvenile found to have committed a violent offense, a
30 sex offense, or stalking escapes from a facility of the department, the
31 secretary shall immediately notify, by the most reasonable and
32 expedient means available, the chief of police of the city and the
33 sheriff of the county in which the juvenile resided immediately before
34 the juvenile's arrest. If previously requested, the secretary shall
35 also notify the witnesses and the victim of the offense which the
36 juvenile was found to have committed or the victim's next of kin if the
37 crime was a homicide. If the juvenile is recaptured, the secretary
38 shall send notice to the persons designated in this subsection as soon

1 as possible but in no event later than two working days after the
2 department learns of such recapture.

3 (b) The secretary may authorize a leave, for a juvenile found to
4 have committed a violent offense, a sex offense, or stalking, which
5 shall not exceed forty-eight hours plus travel time, to meet an
6 emergency situation such as a death or critical illness of a member of
7 the juvenile's family. The secretary may authorize a leave, which
8 shall not exceed the time medically necessary, to obtain medical care
9 not available in a juvenile facility maintained by the department.
10 Prior to the commencement of an emergency or medical leave, the
11 secretary shall give notice of the leave to the appropriate law
12 enforcement agency in the jurisdiction in which the juvenile will be
13 during the leave period. The notice shall include the identity of the
14 juvenile, the time period of the leave, the residence of the juvenile
15 during the leave, and the identity of the person responsible for
16 supervising the juvenile during the leave. If previously requested,
17 the department shall also notify the witnesses and victim of the
18 offense which the juvenile was found to have committed or the victim's
19 next of kin if the offense was a homicide.

20 In case of an emergency or medical leave the secretary may waive
21 all or any portion of the requirements for leaves pursuant to RCW
22 13.40.205 (2)(a), (3), (4), and (5).

23 (3) If the victim, the victim's next of kin, or any witness is
24 under the age of sixteen, the notice required by this section shall be
25 sent to the parents or legal guardian of the child.

26 (4) The secretary shall send the notices required by this chapter
27 to the last address provided to the department by the requesting party.
28 The requesting party shall furnish the department with a current
29 address.

30 (5) Upon discharge, parole, or other authorized leave or release,
31 a convicted juvenile sex offender shall not attend a public elementary,
32 middle, or high school that is attended by a victim of the sex
33 offender. The parents or legal guardians of the convicted juvenile sex
34 offender shall be responsible for transportation or other costs
35 associated with or required by the sex offender's change in school that
36 otherwise would be paid by a school district. Upon discharge, parole,
37 or other authorized leave or release of a convicted juvenile sex
38 offender, the secretary shall send written notice of the discharge,
39 parole, or other authorized leave or release and the requirements of

1 this subsection to the common school district board of directors of the
2 district in which the sex offender intends to reside or the district in
3 which the sex offender last attended school, whichever is appropriate.

4 (6) For purposes of this section the following terms have the
5 following meanings:

6 (a) "Violent offense" means a violent offense under RCW 9.94A.030;

7 (b) "Sex offense" means a sex offense under RCW 9.94A.030;

8 (c) "Stalking" means the crime of stalking as defined in RCW
9 9A.46.110;

10 (d) "Next of kin" means a person's spouse, parents, siblings, and
11 children.

12 **Sec. 2.** RCW 28A.225.330 and 1994 c 304 s 2 are each amended to
13 read as follows:

14 (1) When enrolling a student who has attended school in another
15 school district, the school enrolling the student may request the
16 parent and the student to briefly indicate in writing whether or not
17 the student has:

18 (a) Any history of placement in special educational programs;

19 (b) Any past, current, or pending disciplinary action;

20 (c) Any history of violent behavior;

21 (d) Any unpaid fines or fees imposed by other schools; and

22 (e) Any health conditions affecting the student's educational
23 needs.

24 (2) The school enrolling the student shall request the school the
25 student previously attended to send the student's permanent record
26 including records of disciplinary action. If the student has not paid
27 a fine or fee under RCW 28A.635.060, the school may withhold the
28 student's official transcript, but shall transmit information about the
29 student's academic performance, special placement, and records of
30 disciplinary action. If the official transcript is not sent due to
31 unpaid fees or fines, the enrolling school shall notify both the
32 student and parent or guardian that the official transcript will not be
33 sent until the obligation is met, and failure to have an official
34 transcript may result in exclusion from extracurricular activities or
35 failure to graduate.

36 (3) If information is requested under subsection (2) of this
37 section, the information shall be transmitted within two school days

1 after receiving the request and the records shall be sent as soon as
2 possible.

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

Passed the House April 20, 1995.

Passed the Senate April 14, 1995.

Approved by the Governor May 11, 1995.

Filed in Office of Secretary of State May 11, 1995.