
HOUSE BILL 1348

State of Washington 56th Legislature 1999 Regular Session

By Representatives Carrell, Quall, Talcott, Sullivan, Esser, Bush, Campbell, McDonald and Thomas

Read first time 01/22/1999. Referred to Committee on Education.

1 AN ACT Relating to school safety; amending RCW 13.40.215,
2 28A.225.225, and 28A.225.330; adding a new section to chapter 28A.225
3 RCW; adding a new section to chapter 74.15 RCW; creating new sections;
4 and declaring an emergency.

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

6 NEW SECTION. **Sec. 1.** The legislature recognizes the unique
7 challenges schools must face when students with a history of violent
8 behavior enroll in their schools or return to their schools after
9 having been in a detention or other correctional facility. In order to
10 improve student safety and increase school options in providing an
11 education to repeatedly violent students, the legislature encourages
12 schools to develop programs that not only preserve student safety but
13 also provide unique educational opportunities for repeatedly violent
14 students.

15 **Sec. 2.** RCW 13.40.215 and 1997 c 265 s 2 are each amended to read
16 as follows:

17 (1)(a) Except as provided in subsection (2) of this section, at the
18 earliest possible date, and in no event later than thirty days before

1 discharge, parole, or any other authorized leave or release, or before
2 transfer to a community residential facility, the secretary shall send
3 written notice of the discharge, parole, authorized leave or release,
4 or transfer of a juvenile found to have committed a violent offense, a
5 sex offense, or stalking, to the following:

6 (i) The chief of police of the city, if any, in which the juvenile
7 will reside;

8 (ii) The sheriff of the county in which the juvenile will reside;
9 and

10 (iii) The approved private schools and the common school district
11 board of directors of the district in which the juvenile intends to
12 reside or the approved private school or public school district in
13 which the juvenile last attended school, whichever is appropriate,
14 except when it has been determined by the department that the juvenile
15 is twenty-one years old(~~(i is not required to return to school under~~
16 ~~chapter 28A.225 RCW;))~~) or will be in the community for less than seven
17 consecutive days on approved leave and will not be attending school
18 during that time.

19 (b) After July 27, 1997, the department shall send a written notice
20 to approved private and public schools under the same conditions
21 identified in subsection (1)(a)(iii) of this section when a juvenile
22 adjudicated of any offense is transferred to a community residential
23 facility. The community residential facility shall provide written
24 notice of the offender's criminal history to any school that the
25 offender attends while residing at the community residential facility
26 and to any employer that employs the offender while residing at the
27 community residential facility.

28 (c) The same notice as required by (a) of this subsection shall be
29 sent to the following, if such notice has been requested in writing
30 about a specific juvenile:

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

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

35 (iii) Any person specified in writing by the prosecuting attorney.
36 Information regarding victims, next of kin, or witnesses requesting the
37 notice, information regarding any other person specified in writing by
38 the prosecuting attorney to receive the notice, and the notice are
39 confidential and shall not be available to the juvenile. The notice to

1 the chief of police or the sheriff shall include the identity of the
2 juvenile, the residence where the juvenile will reside, the identity of
3 the person, if any, responsible for supervising the juvenile, and the
4 time period of any authorized leave.

5 (d) The thirty-day notice requirements contained in this subsection
6 shall not apply to emergency medical furloughs.

7 (e) The existence of the notice requirements in this subsection
8 will not require any extension of the release date in the event the
9 release plan changes after notification.

10 (2)(a) If a juvenile found to have committed a violent offense, a
11 sex offense, or stalking escapes from a facility of the department, the
12 secretary shall immediately notify, by the most reasonable and
13 expedient means available, the chief of police of the city and the
14 sheriff of the county in which the juvenile resided immediately before
15 the juvenile's arrest. If previously requested, the secretary shall
16 also notify the witnesses and the victim of the offense which the
17 juvenile was found to have committed or the victim's next of kin if the
18 crime was a homicide. If the juvenile is recaptured, the secretary
19 shall send notice to the persons designated in this subsection as soon
20 as possible but in no event later than two working days after the
21 department learns of such recapture.

22 (b) The secretary may authorize a leave, for a juvenile found to
23 have committed a violent offense, a sex offense, or stalking, which
24 shall not exceed forty-eight hours plus travel time, to meet an
25 emergency situation such as a death or critical illness of a member of
26 the juvenile's family. The secretary may authorize a leave, which
27 shall not exceed the time medically necessary, to obtain medical care
28 not available in a juvenile facility maintained by the department.
29 Prior to the commencement of an emergency or medical leave, the
30 secretary shall give notice of the leave to the appropriate law
31 enforcement agency in the jurisdiction in which the juvenile will be
32 during the leave period. The notice shall include the identity of the
33 juvenile, the time period of the leave, the residence of the juvenile
34 during the leave, and the identity of the person responsible for
35 supervising the juvenile during the leave. If previously requested,
36 the department shall also notify the witnesses and victim of the
37 offense which the juvenile was found to have committed or the victim's
38 next of kin if the offense was a homicide.

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

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

7 (4) The secretary shall send the notices required by this chapter
8 to the last address provided to the department by the requesting party.
9 The requesting party shall furnish the department with a current
10 address.

11 (5) Upon discharge, parole, transfer to a community residential
12 facility, or other authorized leave or release, a convicted juvenile
13 sex offender shall not attend a public or approved private elementary,
14 middle, or high school that is attended by a victim or a sibling of a
15 victim of the sex offender. The parents or legal guardians of the
16 convicted juvenile sex offender shall be responsible for transportation
17 or other costs associated with or required by the sex offender's change
18 in school that otherwise would be paid by a school district. Upon
19 discharge, parole, transfer to a community residential facility, or
20 other authorized leave or release of a convicted juvenile sex offender,
21 the secretary shall send written notice of the discharge, parole,
22 transfer, or other authorized leave or release and the requirements of
23 this subsection to the common school district board of directors of the
24 district in which the sex offender intends to reside or the district in
25 which the sex offender last attended school, whichever is appropriate.
26 The secretary shall send a similar notice to any approved private
27 school the juvenile will attend, if known, or if unknown, to the
28 approved private schools within the district the juvenile resides or
29 intends to reside.

30 (6) For purposes of this section the following terms have the
31 following meanings:

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

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

34 (c) "Stalking" means the crime of stalking as defined in RCW
35 9A.46.110;

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

1 **Sec. 3.** RCW 28A.225.225 and 1997 c 265 s 3 are each amended to
2 read as follows:

3 (1) All districts accepting applications from nonresident students
4 or from students receiving home-based instruction for admission to the
5 district's schools shall consider equally all applications received.
6 Each school district shall adopt a policy establishing rational, fair,
7 and equitable standards for acceptance and rejection of applications by
8 June 30, 1990. The policy may include rejection of a nonresident
9 student if:

10 (a) Acceptance of a nonresident student would result in the
11 district experiencing a financial hardship;

12 (b) The student's disciplinary records indicate a history of
13 convictions for offenses or crimes, violent or disruptive behavior, or
14 gang membership; or

15 (c) The student has been expelled or suspended from a public school
16 for more than ten consecutive days. Any policy allowing for
17 readmission of expelled or suspended students under this subsection
18 (1)(c) must apply uniformly to both resident and nonresident
19 applicants.

20 For purposes of subsection (1)(b) of this section, "gang" means a
21 group which: (i) Consists of three or more persons; (ii) has
22 identifiable leadership; and (iii) on an ongoing basis, regularly
23 conspires and acts in concert mainly for criminal purposes.

24 (2) The district shall provide to applicants written notification
25 of the approval or denial of the application in a timely manner. If
26 the application is rejected, the notification shall include the reason
27 or reasons for denial and the right to appeal under RCW 28A.225.230(3).

28 **Sec. 4.** RCW 28A.225.330 and 1997 c 266 s 4 are each amended to
29 read as follows:

30 (1) When enrolling a student who has attended school in another
31 school district, the school enrolling the student (~~may~~) shall request
32 the parent and the student to briefly indicate in writing whether or
33 not the student has:

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

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

36 (c) Any history of violent behavior, or behavior listed in RCW
37 13.04.155;

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

1 (e) Any health conditions affecting the student's educational
2 needs.

3 (2) The school enrolling the student shall request the school the
4 student previously attended to send the student's permanent record
5 including records of disciplinary action and behavior listed in RCW
6 13.04.155, attendance, immunization records, and academic performance.
7 If the student has not paid a fine or fee under RCW 28A.635.060, or
8 tuition, fees, or fines at approved private schools the school may
9 withhold the student's official transcript, but shall transmit
10 information about the student's academic performance, special
11 placement, immunization records, and records of disciplinary action and
12 behavior listed in RCW 13.04.155. If the official transcript is not
13 sent due to unpaid tuition, fees, or fines, the enrolling school shall
14 notify both the student and parent or guardian that the official
15 transcript will not be sent until the obligation is met, and failure to
16 have an official transcript may result in exclusion from
17 extracurricular activities or failure to graduate.

18 (3) If information is requested under subsection (2) of this
19 section, the information shall be transmitted within two school days
20 after receiving the request and the records shall be sent as soon as
21 possible. Any school district or district employee who releases the
22 information in compliance with this section is immune from civil
23 liability for damages unless it is shown that the school district
24 employee acted with gross negligence or in bad faith. The state board
25 of education shall provide by rule for the discipline under chapter
26 28A.410 RCW of a school principal or other chief administrator of a
27 public school building who fails to make a good faith effort to assure
28 compliance with this subsection.

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

33 NEW SECTION. **Sec. 5.** A new section is added to chapter 28A.225
34 RCW to read as follows:

35 (1) Any school district, educational service district, or
36 consortium of school districts may create specialized schools for
37 students who have been adjudicated or convicted of offenses and who
38 pose a danger to themselves, other students, and staff. The schools

1 may be designed to address the special educational needs of those
2 students and the security needs of the students and staff. The schools
3 may give priority in placement to adjudicated or convicted youth who
4 are violent or chronically disruptive of the educational process and
5 who would otherwise be subject to suspension or expulsion.

6 (2) The superintendent of public instruction is directed to assist
7 school districts, educational service districts, and consortiums that
8 intend to create specialized schools.

9 NEW SECTION. **Sec. 6.** A new section is added to chapter 74.15 RCW
10 to read as follows:

11 The secretary shall require any agency that receives juveniles who
12 have been adjudicated or convicted to provide written notice of the
13 offender's criminal history to any school that the offender attends
14 while the offender resides at the agency's facility, home, or center,
15 and to any employer who employs the offender while the offender resides
16 at the facility, home, or center. The secretary shall, at a minimum,
17 suspend the license of an agency for one year if the agency violates
18 this section two or more times within one year.

19 NEW SECTION. **Sec. 7.** If any provision of this act or its
20 application to any person or circumstance is held invalid, the
21 remainder of the act or the application of the provision to other
22 persons or circumstances is not affected.

23 NEW SECTION. **Sec. 8.** If any part of this act is found to be in
24 conflict with federal requirements, the conflicting part of this act is
25 hereby declared to be inoperative solely to the extent of the conflict,
26 and such finding or determination does not affect the operation of the
27 remainder of this act. Rules adopted under this act must meet federal
28 requirements.

29 NEW SECTION. **Sec. 9.** This act is necessary for the immediate
30 preservation of the public peace, health, or safety, or support of the
31 state government and its existing public institutions, and takes effect
32 immediately.

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