

2 **SHB 1401** - S COMM AMD  
3 By Committee on Education

4 ADOPTED AS AMENDED 4/13/95

5 Strike everything after the enacting clause and insert the  
6 following:

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

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

16 (i) The chief of police of the city, if any, in which the juvenile  
17 will reside; (~~and~~)

18 (ii) The sheriff of the county in which the juvenile will reside;  
19 and

20 (iii) The approved private schools and the common school district  
21 board of directors of the district in which the juvenile intends to  
22 reside or the approved private school or public school district in  
23 which the juvenile last attended school, whichever is appropriate,  
24 except when it has been determined by the department that the juvenile  
25 is twenty-one years old; is not required to return to school under  
26 chapter 28A.225 RCW; or will be in the community for less than seven  
27 consecutive days on approved leave and will not be attending school  
28 during that time.

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

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

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

36 (iii) Any person specified in writing by the prosecuting attorney.

1 Information regarding victims, next of kin, or witnesses requesting the  
2 notice, information regarding any other person specified in writing by  
3 the prosecuting attorney to receive the notice, and the notice are  
4 confidential and shall not be available to the juvenile. The notice to  
5 the chief of police or the sheriff shall include the identity of the  
6 juvenile, the residence where the juvenile will reside, the identity of  
7 the person, if any, responsible for supervising the juvenile, and the  
8 time period of any authorized leave.

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

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

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

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

1 the department shall also notify the witnesses and victim of the  
2 offense which the juvenile was found to have committed or the victim's  
3 next of kin if the offense was a homicide.

4 In case of an emergency or medical leave the secretary may waive  
5 all or any portion of the requirements for leaves pursuant to RCW  
6 13.40.205 (2)(a), (3), (4), and (5).

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

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

14 (5) Upon discharge, parole, or other authorized leave or release,  
15 a convicted juvenile sex offender shall not attend a public elementary,  
16 middle, or high school that is attended by a victim of the sex  
17 offender. The parents or legal guardians of the convicted juvenile sex  
18 offender shall be responsible for transportation or other costs  
19 associated with or required by the sex offender's change in school that  
20 otherwise would be paid by a school district. Upon discharge, parole,  
21 or other authorized leave or release of a convicted juvenile sex  
22 offender, the secretary shall send written notice of the discharge,  
23 parole, or other authorized leave or release and the requirements of  
24 this subsection to the common school district board of directors of the  
25 district in which the sex offender intends to reside or the district in  
26 which the sex offender last attended school, whichever is appropriate.

27 (6) For purposes of this section the following terms have the  
28 following meanings:

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

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

31 (c) "Stalking" means the crime of stalking as defined in RCW  
32 9A.46.110;

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

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

37 (1) When enrolling a student who has attended school in another  
38 school district, the school enrolling the student may request the

1 parent and the student to briefly indicate in writing whether or not  
2 the student has:

- 3 (a) Any history of placement in special educational programs;
- 4 (b) Any past, current, or pending disciplinary action;
- 5 (c) Any history of violent behavior;
- 6 (d) Any unpaid fines or fees imposed by other schools; and
- 7 (e) Any health conditions affecting the student's educational  
8 needs.

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

21 (3) If information is requested under subsection (2) of this  
22 section, the information shall be transmitted within two school days  
23 after receiving the request and the records shall be sent as soon as  
24 possible.

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

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32 On page 1, line 2 of the title, after "agencies;" strike the  
33 remainder of the title and insert "amending RCW 28A.225.330; and

1 reenating and amending RCW 13.40.215."

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