**Operating Policy No. 3143
Students**

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

Puget Sound Educational Service District (PSESD) is committed to providing a safe and secure environment for all 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.**

PSESD’s ReLife School receives notices and information about student offenders from students’ home district, several statutorily authorized sources, including the county sheriff’s office, the courts, the department of social and health services, and the department of corrections. ReLife School 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 Operating Policy No. 3241 – Student Discipline

The ReLife School principals play an important role in determining and implementing appropriate precautionary measures relating to notices and information about student offenses. If the ReLife principal or any designee 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. Principals.** When the ReLife School 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 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.

**b. Convicted Juvenile Sex Offenders Attendance at Victims School.** Convicted juvenile sex offenders are prohibited from attending the 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.

**c. Collaboration.** The ReLife School 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.

**d. 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, 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.**

When the ReLife School principal, receives the information described above, they , *have discretion* to share the information with a 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.

The ReLife School principal 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 days before sharing the information with a 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 business days of receiving notice from the principal, appeal the decision to share the information with staff to the PSESD Superintendent in accordance with procedures developed by the ESD.

The Superintendent shall have five 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.

The ReLife School principal may not share adjudication information under this subsection with a staff member while an appeal is pending.

**3. Public Records Act.**

Any information received by ReLife School 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 ReLife School staff 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.

PSESD and ReLife School will assess and address potential threats of violence or harm in a manner consistent with r 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 principal 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 school 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 ReLife School principal, in collaboration with PSESD’s Superintendent or designee, 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.

ReLife School may use information about a threat of harm or violence in connection with student discipline consistent with Operating Policy No. 3241 – Student Discipline.

PSESD staff providing notice in good faith as required and consistent with ESD’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 PSESD 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 employee acted with gross negligence or in bad faith.

Adopted: June 2021

Relevant Board Governance Policies: EL 3 Transformational Relationships

 EL 4 Treatment of Staff

Cross References: Operating Policy No. 2161 Special Education and Related Services for Eligible Students

Operating Policy No. 2162 Education of Students with Disabilities Under Section 504 of the Rehabilitation Act of 1973

Operating Policy No. 3207 Prohibition of Harassment, Intimidation, and Bullying

Operating Policy No. 3231 Student Records

Legal References: 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 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.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.600.460 Classroom discipline — Policies - Classroom placement of student offenders — Data on disciplinary actions

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