

## Release of Information Concerning Student Sexual and Kidnapping Offenders

The district recognizes its responsibility for the health and safety of all students, including students required to register as a sex or kidnapping offender enrolled within the district. Therefore, the board will take appropriate precautionary measures in situations where the building principal has been advised by law enforcement officials that a student required to register as a sex or kidnapping offender is enrolling or is attending a school within the district.

### Principal Responsibilities

Principals are required to respond to notification by local law enforcement and to disseminate information about students required to register as a sex or kidnapping offender to appropriate staff within the school based on the following offender levels:

- A. Level I  
Sex offenders are classified as Level I when their risk assessments indicate a low risk of reoffense within the community at large.
- B. Level II  
Sex offenders are classified as Level II when their risk assessments indicate a moderate risk of reoffense within the community at large.
- C. Level III  
Sex offenders are classified as Level III when their risk assessments indicate a high risk of reoffense within the community at large.

A principal receiving notice must disclose the information received as follows:

- A. If the student who is required to register as a sex offender is classified as a risk Level II or III, the principal will provide the information received to every teacher of any student required to register 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.
- B. If the student who is required to register as a sex offender is classified as a risk Level I, the principal will provide the information received to personnel who, in judgment of the principal, for security purposes, should be aware of the student's record.
- C. Students required to register as a kidnapping offender are not subject to leveling and therefore should be treated on a case-by-case basis.

The principal will designate additional school personnel to be notified following consultation with probation/parole (or the student's family if not on court supervision) in order to identify or recognize high-risk situations. The following staff should be considered: district superintendent or designee, adjacent building principals, appropriate administrative and teaching staff, security personnel, volunteers or paraprofessionals working in the student's classrooms; and counselors, coaches, advisors, nurses, bus drivers, custodians, district daycare providers and playground supervisors that may have contact with the student.

### **Collaboration**

The principal will work with local law enforcement to coordinate the receipt of notifications regarding students registered as sex or kidnapping offenders. The principal or designee will also 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.

### **Confidentiality**

The principal and school staff will maintain confidentiality regarding these students, the same as all students in the school. Any written information or records received by a principal as a result of a notification are confidential and may not be further disseminated except as provided in state or federal law.

### **Immunity from Liability**

Any school district or 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.

### **Inquiries by the Public**

Inquiries by the public at large (including parents and students), regarding students required to register as a sex or kidnapping offender are to be referred directly to local law enforcement. 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.

### **Student Rights and Responsibilities**

All students, including those students required to register as a sex or kidnapping offender, have a constitutional right to a public education. A student required to register as a sex or kidnapping offender is also required to notify law enforcement of their intent to enroll in school.

### **Written Procedures**

The superintendent or his/her designee will adopt written procedures for school principals describing how they will disseminate information received from law enforcement with appropriate school personnel.

Cross Reference: Board Policy 3120  
3143

Enrollment  
District Notification of Juvenile Offenders

Legal Reference: RCW 4.24.550  
RCW 9A.44.130(1)(e)(i)

Sex offenders — and kidnapping offenders —  
Release of information to public — When  
authorized — Immunity  
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 [4]	Enrolling students from other districts — Requests for information and permanent records — Withheld transcripts — Immunity from liability — Notification to teachers and security personnel — Rules
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
20 U.S. C. 1232g et.seq	Family and Educational and Privacy Rights Act of 1994

Art. IX, Section 1, Washington State Constitution

Management Resources:

*Policy News*, December 2006      Student Sex and Kidnapping Offender  
Notice Requirements

**Adoption Date: 11.23.10  
Washougal School District  
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## Release of Information Concerning Student Sexual and Kidnapping Offenders

### Responsibilities

Principals are required by law to respond to notification by local law enforcement and to disseminate information. Principals may rely on the Office of Superintendent of Public Instruction (OSPI) *Principal's Notification Checklist* for additional assistance.

### Principals

Principals have a responsibility to develop a:

- A. Relationship with local law enforcement (local sheriff's office) agencies dealing with students required to register as a sex or kidnapping offender.
- B. Procedure for acceptance of notifications from law enforcement (local sheriff's office).
- C. Procedure for notification of all teachers and appropriate staff regarding Level II or Level III students required to register as a sex or kidnapping offender attending the school/class.
- D. Procedure for notifying teachers or staff of selected Level I students required to register as a sex or kidnapping offender.
- E. Procedure to notify teachers and appropriate staff of their roles and responsibilities with respect to these students, including confidentiality, harassment, intimidation and bullying issues;
- F. Protocol for responses to public inquiries about these students required to register as a sex or kidnapping offender, stressing confidentiality and FERPA rules; determine how district staff will be notified; and which staff will be in charge of monitoring these students.
- G. Procedure and protocol for safety planning, to include student meetings, designing and monitoring student safety plans, implementing safeguards when students change schools or change sex offender levels or status with parole or probation.
- H. Protocol of best practices for contacting the district superintendent with a list of juvenile sex/kidnapping offenders when notification is received from law enforcement.

### School Staff

Staff members are encouraged to be proactive and will notify the principal or other appropriate personnel at the school if they observe any non-student sex offender on or near school grounds. Staff will inform the principal or other appropriate personnel at the school of any suspected behavior or actions of students which may compromise the health, safety or well-being of students or staff. Staff will be prepared to respond appropriately and effectively regarding reporting harassment, intimidation and bullying by either students or staff. It is the responsibility of staff to help all students be successful in school.

### Students

It is the responsibility of students required to register as a sex or kidnapping offender to follow all rules and regulations of the school as outlined by the district in the student handbook, conduct themselves as defined in the student handbook and follow all stipulations as outlined in their

individual Student Safety Plans.

### **Notifications**

Notifications from local law enforcement (local sheriff's office) that a student required to register as a sex or kidnapping offender is enrolled or attending school can come to the principal in a variety of methods including email, U.S. mail or hand-delivery. Although currently there is no standard notification form statewide, the following items may be found on most notifications:

Offender name, address, sex, height, weight, hair and eye color, age, ethnicity, crime, sex offender level, convicting jurisdiction, neighborhood, proximity to schools and level descriptors.

### **Notification Lists**

Upon receipt of notification, the principal or a designee will review the list of students. The list will be reviewed to determine which students are currently enrolled, currently attending school or are new to the school district and not yet enrolled.

### **Staff Notification**

The following are the risk level classifications for sex offenders:

- A. Level I  
Sex offenders are classified as Level I when their risk assessments indicate a low risk of re-offense within the community at large.
- B. Level II  
Sex offenders are classified as Level II when their risk assessments indicate a moderate risk of re-offense within the community at large.
- C. Level III  
Sex offenders are classified as Level III when their risk assessments indicate a high risk of re-offense within the community at large.

A principal receiving notice must disclose the information received as follows:

- A. If the student who is required to register as a sex offender is classified as a risk level II or III, the principal will 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.
- B. If the student who is required to register as a sex offender is classified as a risk level I, the principal will provide the information received to personnel who in the judgment of the principal, for security purposes should be aware of the student's record.
- C. Students required to register as a kidnapping offender are not subject to leveling and therefore should be treated on a case by case basis.

### **Notifying Additional School Personnel for All Offender Levels**

The principal will designate additional school personnel to be notified following consultation with probation/parole (or the student's family if not on court supervision) in order to identify or recognize high-risk situations. The following staff should be considered: district superintendent or designee, appropriate administrative and teaching staff, school resource officers, adjacent

building principals, security personnel, staff working directly in the student's classrooms; and school counselors, school psychologists, coaches, advisors, school social workers, nurses, bus drivers, custodians, district daycare providers and playground supervisors that may have contact with the student.

### **Safety Planning**

The principal will complete safety planning with school staff, local law enforcement (local sheriff's office), probation and parole, treatment providers, parents/guardians, care providers and child advocates, as appropriate, in order to provide a safe and secure environment for all students and staff. For safety planning to be effective, the district registrar will finalize formal enrollments for students required to register as a sex or kidnapping offender within 2-3 days of their enrollment request.

### **Student Meetings**

Within 10 (ten) working days of the student's enrollment or earlier if possible, the principal or designee, working together with probation and parole professionals, will meet with the student to create and implement a Student Safety Plan. The principal or designee will determine other appropriate school personnel to be included in the meeting to assist in defining school expectations. The student's parent/guardian or care provider may also be invited. The purpose for the meeting is to help the student be successful in their transition back to school and to provide a safe school environment for all.

### **Student Safety Plan**

The principal or designee (and other school staff as applicable) in consultation with the parole counselor or probation officer (if under court supervision) will create a student safety plan for each registered sex or kidnapping offender. The plan will outline the responsibilities of the student and other stakeholders to promote those activities deemed essential in safely managing the student's behavior.

- A. The Safety Plan will outline conditions and/or limitations on each student required to register as a sex or kidnapping offender concerning their interactions on the school campus;
- B. For students not under court supervision, the Student Safety Plan should be developed in conjunction with school staff in consultation with the student's family/guardian or care provider;
- C. The plan will be based on the student's needs and include guidelines for expected intervention actions for high-risk behaviors and reinforce positive behaviors;
- D. Each plan will be reviewed semi-annually by staff designated by the principal; and
- E. Plans will be reviewed more often if high-risk behaviors have been identified.

### **Monitoring the Safety Plan**

The Student Safety Plan will be monitored and changes made on an "as-needed" basis by school staff.

- A. School authorities should be prepared to take appropriate actions, especially if they notice an increase or escalation of a student's high-risk behaviors, both for the short and long-

term safety of the student required to register as a sex or kidnapping offender and all other students;

- B. School staff will report to the principal or designee and to law enforcement (local sheriff's office) or other involved agencies (treatment providers, parole/probation) if they determine the student has not followed the plan; and
- C. Follow-through on the Student Safety Plan will be consistent with existing disciplinary policies and procedures, student conduct policies and mandatory reporting policies.

Schools may develop school threat assessment teams and make referrals to those teams when students engage in inappropriate behaviors as defined in the Student Safety Plan.

### **When Students Move or Change Status**

When a student changes schools within the district, the current principal will notify the new principal and share the student records and safety plans with the new school. If the student's sex offender status or probation or parole status changes, the principal will notify the school staff as part of the school's safety planning.

### **Confidentiality**

The principal and school staff will maintain confidentiality regarding these students the same as all students in the school. Any information received by a principal or school personnel as a result of a notification is confidential and may not be further disseminated except as provided in RCW 28A.225.330 and other statutes, or case law, and the Family and Educational and Privacy Rights Act of 1994 (FERPA) regulations (20 U.S.C. § 1232g et. seq.) The Student Safety Plans will only be shared with appropriate school personnel. School personnel will report violations of plan expectations to the principal when they occur.

### **Inquiries by the Public**

Community notification remains the responsibility of local law enforcement. Inquiries by the public at large (including parents and students), regarding students required to register as a sex or kidnapping offender are to be referred directly to local law enforcement (local sheriff's office). Law enforcement agencies receive relevant information about the release of sexual and kidnapping offenders into communities and decide when such information needs to be released to the public.

### **Immunity from Liability**

Any school district employee who releases 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.