

Training for School Staff on Juvenile Sex and Kidnapping Offenders

**Legislative Report –
House Bill 2101**



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State Superintendent of
Public Instruction

January 2006

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on Juvenile Sex and Kidnapping Offenders
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EXECUTIVE SUMMARY

The 2005 Legislature required the Safety Center of the Office of Superintendent of Public Instruction (OSPI) to review the types and amounts of training that will be necessary for principals, teachers, supervisors, and school staff to implement House Bill 2101 (Appendix A), an act relating to registration of sex offenders and kidnapping offenders attending public schools, notification to the school and dissemination of information within the schools. This bill required a report with recommendations for training requirements no later than January 1, 2006. This report includes the process, discussion, discoveries, and recommendations of a task force of experts who came together for this purpose.

Juvenile sex offenders and kidnapping offenders on and off probation or parole attend public schools throughout the state of Washington. This results in a critical need for information and training as support for administrators, teachers, and school staff so they can provide a safe school environment for all. Training is the key element. Arming staff with a well-defined training curriculum will help reduce concerns, dispel myths, clarify needs, and give staff additional tools to manage the offenders and provide all students and staff with a safer school environment. Such training should include topics such as the notification processes and content, liabilities of sharing information, and other topics regarding sex and kidnapping offenders. This knowledge can also help raise the awareness of activities in and around the school which could otherwise result in further criminal activity.

The focus of the Task Force was on the training necessary for all school staff, but particularly school administrators. The Task Force agreed that training for school staff on how to effectively assist the sex and kidnapping offender students to be successful in school cannot be properly addressed without first addressing the notification and information sharing issues. The notification requirements are the basis for the training content. Appendix C of this report lists the suggested training components.

Discoveries

The Task Force meetings and discussions resulted in a number of discoveries regarding sex and kidnapping offenders. One of the key issues is that training for school staff cannot be properly addressed without first addressing sex and kidnapping offender notification and information sharing issues since much of what is contained in the training will be based on the content of the notification, the process of the notification, and how information is shared with schools. The Task Force discussions can be found in Appendix B of this report.

The remaining discoveries included the following: There are currently no standardized procedures or content for statewide notification of sex and kidnapping offenders to schools from law enforcement. There is currently no standardized statewide school policy or process to facilitate notifications once they are received from law enforcement. Each district has developed separate guidelines. Behavioral information necessary to assist school staff in making informed decisions is not typically included in records received by public schools. Information shared between juvenile justice schools and public schools is limited to academic courses, grades, and credit hours. This information does not provide keys to what behavioral strategies would work successfully for the juveniles, nor does it supply public schools with tools necessary to provide a safe environment for the juvenile offenders, other students, or the school staff.

Washington school principals and other school personnel currently do not receive formal training on serving juvenile sex or kidnapping offenders in the schools. Since no curriculum for training school staff

on reintegration of juvenile sex offenders or kidnapping offenders into public schools could be found, the Task Force suggested content for the staff training. Appendix C lists the suggested components. The school administrators, as the direct recipients of sex offender notifications, will need the most intense training in all content areas, but teachers and other school staff who work directly with the students, need to be trained as well.

There will be costs to develop curriculum and deliver training for the school staff. A fiscal note will be required for training and implementation.

Recommendations

The Task Force identified recommendations in the areas of sex offender notification, information sharing, and staff training for schools (administrators, teachers, and other school staff). It is recommended that law enforcement work in conjunction with their local school districts to assist in providing this training for school staff formally and informally on juvenile sex and kidnapping offenders. Note that training, collaboration, and standard procedures are principal themes throughout these best practice approaches.

RECOMMENDATIONS REGARDING SEX AND KIDNAPPING OFFENDER NOTIFICATIONS

1. Washington Association of Sheriffs and Police Chiefs (WASPC) develop a model process and content for juvenile sex offender notifications to schools for law enforcement agencies and other criminal justice personnel with accompanied policies.
2. The Washington State School Directors Association (WSSDA) and OSPI, in consultation with the School Safety Center Advisory Committee, create a statewide model school policy outlining a model process to follow when notification is received from law enforcement on juvenile sex and kidnapping offenders.

RECOMMENDATIONS ON INFORMATION SHARING BETWEEN INSTITUTIONS AND SCHOOLS

1. Encourage law enforcement, Department of Social and Health Services Juvenile Rehabilitation Administration (DSHS/JRA), and Juvenile Court Administrators (JCA) to work with representatives from the institution and public schools to:
 - Supply additional details to school principals either in the notification form or added to the school record and
 - Assist in providing the same information to the new school when sex and kidnapping offenders move from one public school to another.
2. Include the following additions in the school record: the offender's risk level and risk factors, conditions of release, victim age-range, and the local law enforcement contact name and contact information.
3. Principals designate one additional person besides themselves as a point of contact for at-risk youth at their school in order to better assist appropriately addressing admission and supervision issues.

RECOMMENDATIONS ON SCHOOL STAFF TRAINING

1. OSPI, in association with the School Safety Advisory Committee, convene an oversight group of juvenile sex offender, school safety experts and curriculum experts to:

- outline school staff training on juvenile sex offenders in public schools
 - identify training components
 - build a curriculum package with support material
 - develop an appropriate delivery plan
 - implement the training plan
 - follow-up to determine implementation of the training
 - develop update training online
2. OSPI provide training via a train-the-trainer model to all school administrators in the state by either contracting with Educational Service Districts (ESD) or another contract provider.
 3. Initial trainings be repeated once per year for new staff and that annual update training on relevant Internet Web sites be added as policies and procedures change.

Conclusions

Juvenile sex and kidnapping offenders are enrolled in public schools today. This results in a critical need for information and training as support for administrators, teachers, and school staff so they can provide a safe school environment for all. Arming staff with a well-defined training curriculum will help reduce concerns, dispel myths, clarify needs, and give staff some additional tools to manage the offenders and build a resource base of tools to provide all students and staff with a safer school environment.

By collaborating on content and processes of notification, information sharing and staff training, sex offender service providers, law enforcement, juvenile courts, advocate groups, DSHS/JRA, and educators in the state of Washington can better assist juvenile sex and kidnapping offenders to be more successful in their transition to public schools, more effectively provide for the safety of all students and staff, and assist administrators and school staff to better identify inappropriate and potentially dangerous behaviors in the schools.

The training does not come without cost, but the benefit for students, staff, families, and communities are significant. One benefit noted by the Task Force is the valuable collaborative efforts between stakeholders in the world of sex offender management, law enforcement, and education which have already begun due to this legislation.

With the consideration that there are 296 school districts in Washington and approximately 4,500 administrative staff, this statewide training project may take up to two years to complete. There is a cost associated with the provision of the staff training and it will require a fiscal note to support such training.

INTRODUCTION

Background

The 2005 Legislature required the Safety Center of the Office of Superintendent of Public Instruction (OSPI) to review the types and amounts of training that will be necessary for principals, teachers, supervisors, and school staff to implement House Bill 2101, an act relating to registration of sex offenders and kidnapping offenders enrolled in public schools, notification to the school, and dissemination of information within the schools. This bill required a report with recommendations for training requirements no later than January 1, 2006. OSPI identified a statewide Task Force to accomplish this requirement. This report includes the process, discussion, discoveries, and recommendations of this Task Force of experts.

In 2003, the “Juvenile Offenders in Public Schools” Task Force was created as a result of Engrossed Substitute Senate Bill (ESSB) 5903 enacted by the 2003 Legislature of the state of Washington regarding juvenile offenders in public schools. The Legislature required the Task Force to address the issues of coordination of information, education services, and public safety issues when juvenile offenders are released and placed in public schools. As a result, the ESSB 5903 Task Force made recommendations to the Legislature (Appendix F) including development of formal guidelines for schools and agencies when sharing at-risk youth information and to define the specific type of information that could be shared between agencies and to generate a best practices set of guidelines for local use.

The Task Force saw the ESSB 5903 legislative report as a basis for their early discussions in framing the issues regarding juvenile sex and kidnapping offenders.

Data

Juvenile sex offenders and kidnapping offenders under the supervision of county juvenile probation departments or the Department of Social and Health Services Juvenile Rehabilitation Administration’s (DSHS/JRA) parole services are regularly enrolled in K–12 public schools throughout the state of Washington. DSHS/JRA reported 194 juvenile sex offenders committed in 2005. As of October 2005, DSHS/JRA had 338 juvenile sex offenders under community supervision in the state of Washington. In addition, there were 271 juvenile sex offenders under Special Sex Offender Disposition Alternative (SSODA) program supervision during the same month, per DSHS/JRA and Juvenile Court Administrators (JCA) data. These numbers do not account for the number of juvenile sex offenders who attend school but are not under supervision.

Leadership and Members

OSPI and DSHS/JRA agreed to co-lead the HB 2101 Task Force. Some members from the 2003 “Juvenile Offenders in Public Schools” Task Force participated in the new HB 2101 Task Force. The remainder of the membership was comprised of a mix of representatives from education, law enforcement, juvenile justice, sex offender specialists, and both child and victim advocacy groups. Although the emphasis of the Task Force was on juvenile sex offenders, they acknowledged that the needs of these offenders would be included in curriculum development and training.

Philosophy

Both agencies leading the Task Force, OSPI and DSHS/JRA, along with the members of the HB 2101 Task Force, are interested in the successful reintegration of sex and kidnapping offenders in the public schools and the safety of all students and staff in the schools. Training is the priority of the Task Force work. Training school staff on the notification processes and content, liabilities of sharing information, and topics regarding sex and kidnapping offenders will give staff the tools and knowledge to assist this population to be more successful in school while helping provide a safer school environment. The knowledge will also help raise the awareness of activities in and around the school which could otherwise result in further criminal activity. The Task Force agreed that training for school staff on how to effectively assist the sex and kidnapping offender students to be successful in school cannot be properly addressed without first addressing the notification and information sharing issues. The notification requirements are the basis for the training content.

Purpose

House Bill 2101, enacted by the 2005 Legislature of the state of Washington, charged the Safety Center of the OSPI to “...**review the types, amounts, and costs of training that will be necessary for principals, teachers, supervisors, and school staff to implement the dissemination of information when the juvenile sex offenders return to the community schools.**”

Methodology

Initially, the Task Force met for two days, with the agenda focusing on the basic understanding of the law and defining the requirements of the Task Force. Although all members were familiar with juvenile sex offender issues and were selected for their expertise in the area of education and juvenile offenders, it was quickly noted that the language used by educators was as foreign to those in law enforcement as was the language used by those in law enforcement to the educators. Subject matter experts were brought in to conduct a series of training sessions on specific elements of sex offender management and the maintenance of safe school environments, allowing for facilitated discussions of how these “best practices” might be applied to the mandates in HB 2101. The discussions that followed these presentations emphasized the barriers and concerns of sex offender notification, information sharing, and training. This meeting agenda can be found in Appendix D of this report.

The second meeting of the Task Force agenda focused more deeply on the issues regarding the training needs of school staff and training solutions. Topics for training and school staff roles with sex and kidnapping offenders were discussed. This meeting agenda can be found in Appendix E of this report. Following this series of meetings, all the notes were reviewed and data gathered, and a draft report was prepared. The draft was sent out to the stakeholders for a review period and changes were made. The report was then sent to OSPI and DSHS/JRA for agency reviews before being finalized for the Legislature.

DISCOVERIES AND RECOMMENDATIONS

One of the key issues is that training for school staff cannot be properly addressed without first addressing sex and kidnapping offender notification and information sharing issues since much of what is contained in the training will be based on the content of the notification, the process of the notification, and how information is shared with schools.

The following is a summary of discoveries identified by the Task Force and the recommendations for implementation in the areas of notification, information sharing and school staff training:

Sex and Kidnapping Offender Notification

DISCOVERIES

1. There are currently no standardized procedures or content for statewide sex and kidnapping notifications to schools from law enforcement. WASPC developed a model policy for law enforcement agencies to follow when disclosing sex offender information to the public in 1997, but the policy has not been significantly revised since its creation.
2. There is currently no standardized statewide school policy or process to facilitate notifications once they are received from law enforcement. School districts have each developed separate guidelines.

RECOMMENDATIONS

- 1a. WASPC develop a statewide model process and content for juvenile sex offender notifications to schools for law enforcement agencies and other criminal justice personnel with accompanied policies.
- 2a. The Washington State School Directors Association (WSSDA) and OSPI, in consultation with the School Safety Center Advisory Committee, develop a statewide model school policy outlining a model process to follow when notification is received from law enforcement on juvenile sex and kidnapping offenders.

Information Sharing Between Institutions and Schools

DISCOVERIES

3. Behavioral information necessary to assist school staff in making informed decisions is not included in records currently received by public schools. Information shared between juvenile justice schools and public schools is limited to academic courses, grades, and credit hours. This information does not provide keys to what behavioral strategies would work successfully for the juveniles, nor does it supply public schools with tools necessary to provide a safe environment for the juvenile offenders, other students, or the school staff.

RECOMMENDATIONS

- 3a. Encourage law enforcement, DSHS/JRA, and JCAs to work with representatives from the institution and public schools to:
 - Supply additional details to school principals either in the notification form or added to the school record; and
 - Assist in providing the same information to the new school when sex and kidnapping offenders move from one public school to another.

- | | |
|---|--|
| <p>4. This lack of additional information can create fearful reactions and perceptions of danger, resulting in the victimization or harassment of the sex offender, victim, or their siblings attending the same school.</p> <p>5. In addition to training, additional supports are needed in the schools for sex and kidnapping offenders to be more successful in school and to provide for the safety of all students and staff.</p> | <p>4a. Include the following additions in the school record: the risk level of the offender and risk factors, conditions of release, victim(s) age-range, and the local law enforcement contact name and contact number.</p> <p>5a. Principals designate one additional person besides themselves as a point of contact for at-risk youth at their school in order to better assist appropriately addressing admission and supervision issues.</p> |
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Staff Training for Schools

DISCOVERIES

6. The Task Force was unable to locate any written training curriculum in Washington or in the nation on assisting schools with the reintegration of juvenile sex and kidnapping offenders into public schools.
7. Washington school principals and other school personnel currently do not receive formal training on how to assist juvenile sex and kidnapping offenders to successfully transition from institution schools to public schools.
8. School administrators need the most intense training in all content areas since they will be direct recipients of sex offender notifications, but other school personnel training as well, as they will be working directly with the students.

RECOMMENDATIONS

- 6a. OSPI, in association with the School Safety Advisory Committee, convene an oversight group of juvenile sex offender and school safety experts to:
- Outline school staff training on juvenile sex and kidnapping offenders to public schools.
 - Identify training components.
 - Build a curriculum package with support material.
 - Develop an appropriate delivery plan
 - Implement the training plan.
 - Follow-up to determine implementation of the training.
 - Develop update training online.
- See Appendix A for a list of suggested training components.
- 7a. OSPI provide training via a train-the-trainer model to school administrators statewide by either contracting with the Educational Service Districts (ESD) or another contract provider.
- 7b. Repeat the initial trainings once per year for new staff and add annual update training on relevant Internet Web sites policies and procedures change.
- 8a. OSPI assist school administrators in training their teachers and other school staff by utilizing the train-the-trainer model and encouraging all administrators to attend the training.

CONCLUSION

Juvenile sex and kidnapping offenders are enrolled in public schools today. Citizens have expressed concern for the safety of students and staff, given the daily presence of convicted juvenile offenders. This results in a critical need for information and training as support for administrators, teachers, and school staff so they can provide a safe school environment for all. Arming staff with a well-defined training curriculum will help reduce concerns, dispel myths, clarify needs, and give staff some additional tools to manage the offenders and build a resource base of tools to provide all students and staff with a safer school environment.

By collaborating on content and processes of notification, information sharing and staff training, sex offender service providers, law enforcement, juvenile courts, advocate groups, DSHS/JRA, and educators in the state of Washington can better assist juvenile sex and kidnapping offenders to be more successful in their transition to public schools, more effectively provide for the safety of all students and staff, and assist administrators and school staff to better identify inappropriate and potentially dangerous behaviors in the schools.

The Task Force members learned a great deal about how each state agency works to maintain the safety of the citizens of our state when working with sex and kidnapping offenders and agreed that their goal was to define training for the success of all students and a safer community. First discussions included current sex offender notification processes, including what works, what doesn't work, and the opportunities and barriers created by sex offender notifications. Next, discussions focused upon information sharing regarding what components are needed to assist school staff in transitioning youth from an institution school to a public school and what activities could be harmful. Finally, core training components for school administrators and other school staff were outlined with a focus upon who should attend training and options for delivery.

It was agreed that there are significant risks involved in providing information on sex and kidnapping offenders to school staff. But educating and training them with core information on sex and kidnapping offender notification issues will assist them in providing a safer environment for all students.

The training does not come without a cost, but the benefit for students, staff, families, and communities are significant. One benefit already noted by the Task Force is the valuable collaborative efforts between stakeholders in the world of sex offender management, law enforcement, and education which have already begun due to this legislation.

With the consideration that there are 296 school districts in Washington and approximately 4,500 administrative staff, this statewide staff training project may take up to two years to complete. There is a cost associated with the provision of the staff training and it will require a fiscal note to support such training.

CERTIFICATION OF ENROLLMENT

HOUSE BILL 2101

59th Legislature
2005 Regular Session

Passed by the House April 19, 2005
Yeas 96 Nays 0

CERTIFICATE

Speaker of the House of Representatives

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **HOUSE BILL 2101** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Passed by the Senate April 11, 2005
Yeas 49 Nays 0

Chief Clerk

President of the Senate

Approved

FILED

**Secretary of State
State of Washington**

Governor of the State of Washington

HOUSE BILL 2101

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

State of Washington

59th Legislature

2005 Regular Session

By Representatives Pearson, Lovick, McDonald and Chase

Read first time 02/17/2005. Referred to Committee on Juvenile Justice & Family Law.

AN ACT Relating to registration of sex and kidnapping offenders in schools, notification to the school, and dissemination of the information within the school; amending RCW 4.24.550; reenacting and amending RCW 9A.44.130; creating a new section; and providing an effective date.

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

Sec. 1 RCW 9A.44.130 and 2003 c 215 s 1 and 2003 c 53 s 68 are each reenacted and amended to read as follows:

(1)(a) Any adult or juvenile residing whether or not the person has a fixed residence, or who is a student, is employed, or carries on a vocation in this state who has been found to have committed or has been convicted of any sex offense or kidnapping offense, or who has been found not guilty by reason of insanity under chapter 10.77 RCW of committing any sex offense or kidnapping offense, shall register with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation, or as otherwise specified in this section. Where a person required to register under this section is in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility as a result of a sex offense or kidnapping offense, the person shall also register at the time of release from custody with an official designated by the agency that has jurisdiction over the person. ~~((In addition, any such))~~

(b) Any adult or juvenile who is required to register under (a) of this subsection:

~~((a))~~ (i) Who is attending, or planning to attend, a public or private school regulated under Title 28A RCW or chapter 72.40 RCW shall, within ten days of enrolling or prior to arriving at the school to attend classes, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the school, and the sheriff shall promptly notify the principal of the school;

(ii) Who is admitted to a public or private institution of higher education shall, within ten days of enrolling or by the first business day after arriving at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's intent to attend the institution;

~~((b))~~ (iii) Who gains employment at a public or private institution of higher education shall, within ten days of accepting employment or by the first business day after commencing work at the institution, whichever is earlier, notify the sheriff for the county of the person's residence of the person's employment by the institution; or

~~((c))~~ (iv) Whose enrollment or employment at a public or private institution of higher education is terminated shall, within ten days of such termination, notify the sheriff for the county of the person's residence of the person's termination of enrollment or employment at the institution.

(c) Persons required to register under this section who are enrolled in a public or private institution of higher education on June 11, 1998, or a public or private school regulated under Title 28A RCW or chapter 72.40 RCW on the effective date of this act, must notify the county sheriff immediately.

(d) The sheriff shall notify the school's principal or institution's department of public safety and shall provide that department with the same information provided to a county sheriff under subsection (3) of this section.

(e)(i) A principal receiving notice under this subsection must disclose the information received from the sheriff under (b) of this subsection 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 shall provide the information received to every teacher of any student required to register under (a) of this subsection 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 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.

(ii) Any information received by a principal or school personnel under this subsection is confidential 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.

(2) This section may not be construed to confer any powers pursuant to RCW 4.24.500 upon the public safety department of any public or private school or institution of higher education.

(3)(a) The person shall provide the following information when registering: (i) Name; (ii) address; (iii) date and place of birth; (iv) place of employment; (v) crime for which convicted; (vi) date and place of conviction; (vii) aliases used; (viii) social security number; (ix) photograph; and (x) fingerprints.

(b) Any person who lacks a fixed residence shall provide the following information when registering: (i) Name; (ii) date and place of birth; (iii) place of employment; (iv) crime for which convicted; (v) date and place of conviction; (vi) aliases used; (vii) social security number; (viii) photograph; (ix) fingerprints; and (x) where he or she plans to stay.

(4)(a) Offenders shall register with the county sheriff within the following deadlines. For purposes of this section the term "conviction" refers to adult convictions and juvenile adjudications for sex offenses or kidnapping offenses:

(i) OFFENDERS IN CUSTODY. (A) Sex offenders who committed a sex offense on, before, or after February 28, 1990, and who, on or after July 28, 1991, are in custody, as a result of that offense, of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, and (B) kidnapping offenders who on or after July 27, 1997, are in custody of the state department of corrections, the state department of social and health services, a local division of youth services, or a local jail or juvenile detention facility, must register at the time of release from custody with an official designated by the agency that has jurisdiction over the offender. The agency shall within three days forward the registration information to the county sheriff for the county of the offender's anticipated residence. The offender must also register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The agency that has jurisdiction over the offender shall provide notice to the offender of the duty to register. Failure to register at the time of release and within twenty-four hours of release constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

When the agency with jurisdiction intends to release an offender with a duty to register under this section, and the agency has knowledge that the offender is eligible for developmental disability services from the department of social and health services, the agency shall notify the division of developmental disabilities of the release. Notice shall occur not more than thirty days before the offender is to be released. The agency and the division shall assist the offender in meeting the initial registration requirement under this section. Failure to provide such assistance shall not constitute a defense for any violation of this section.

(ii) OFFENDERS NOT IN CUSTODY BUT UNDER STATE OR LOCAL JURISDICTION. Sex offenders who, on July 28, 1991, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 28, 1991. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the indeterminate sentence review board or under the department of

corrections' active supervision, as defined by the department of corrections, the state department of social and health services, or a local division of youth services, for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(ii) as of July 28, 1991, or a kidnapping offender required to register as of July 27, 1997, shall not relieve the offender of the duty to register or to reregister following a change in residence. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iii) **OFFENDERS UNDER FEDERAL JURISDICTION.** Sex offenders who, on or after July 23, 1995, and kidnapping offenders who, on or after July 27, 1997, as a result of that offense are in the custody of the United States bureau of prisons or other federal or military correctional agency for sex offenses committed before, on, or after February 28, 1990, or kidnapping offenses committed on, before, or after July 27, 1997, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. Sex offenders who, on July 23, 1995, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for sex offenses committed before, on, or after February 28, 1990, must register within ten days of July 23, 1995. Kidnapping offenders who, on July 27, 1997, are not in custody but are under the jurisdiction of the United States bureau of prisons, United States courts, United States parole commission, or military parole board for kidnapping offenses committed before, on, or after July 27, 1997, must register within ten days of July 27, 1997. A change in supervision status of a sex offender who was required to register under this subsection (4)(a)(iii) as of July 23, 1995, or a kidnapping offender required to register as of July 27, 1997 shall not relieve the offender of the duty to register or to reregister following a change in residence, or if the person is not a resident of Washington, the county of the person's school, or place of employment or vocation. The obligation to register shall only cease pursuant to RCW 9A.44.140.

(iv) **OFFENDERS WHO ARE CONVICTED BUT NOT CONFINED.** Sex offenders who are convicted of a sex offense on or after July 28, 1991, for a sex offense that was committed on or after February 28, 1990, and kidnapping offenders who are convicted on or after July 27, 1997, for a kidnapping offense that was committed on or after July 27, 1997, but who are not sentenced to serve a term of confinement immediately upon sentencing, shall report to the county sheriff to register immediately upon completion of being sentenced.

(v) **OFFENDERS WHO ARE NEW RESIDENTS OR RETURNING WASHINGTON RESIDENTS.** Sex and kidnapping offenders who move to Washington state from another state or a foreign country that are not under the jurisdiction of the state department of corrections, the indeterminate sentence review board, or the state department of social and health services at the time of moving to Washington, must register within thirty days of establishing residence or reestablishing residence if the person is a former Washington resident. The duty to register under this subsection applies to sex offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after February 28, 1990, and to kidnapping offenders convicted under the laws of another state or a foreign country, federal or military statutes, or Washington state for offenses committed on or after July 27, 1997. Sex and kidnapping offenders from other states or a foreign country who, when they move to Washington, are under the jurisdiction of the department of corrections, the indeterminate sentence review board, or the department of social and health services must register within twenty-four hours of moving to Washington. The agency that has jurisdiction over the offender shall notify the offender of the registration requirements before the offender moves to Washington.

(vi) **OFFENDERS FOUND NOT GUILTY BY REASON OF INSANITY.** Any adult or juvenile who has been found not guilty by reason of insanity under chapter 10.77 RCW of (A) committing a sex offense on, before, or after February 28, 1990, and who, on or after July 23, 1995, is in custody,

as a result of that finding, of the state department of social and health services, or (B) committing a kidnapping offense on, before, or after July 27, 1997, and who on or after July 27, 1997, is in custody, as a result of that finding, of the state department of social and health services, must register within twenty-four hours from the time of release with the county sheriff for the county of the person's residence. The state department of social and health services shall provide notice to the adult or juvenile in its custody of the duty to register. Any adult or juvenile who has been found not guilty by reason of insanity of committing a sex offense on, before, or after February 28, 1990, but who was released before July 23, 1995, or any adult or juvenile who has been found not guilty by reason of insanity of committing a kidnapping offense but who was released before July 27, 1997, shall be required to register within twenty-four hours of receiving notice of this registration requirement. The state department of social and health services shall make reasonable attempts within available resources to notify sex offenders who were released before July 23, 1995, and kidnapping offenders who were released before July 27, 1997. Failure to register within twenty-four hours of release, or of receiving notice, constitutes a violation of this section and is punishable as provided in subsection (10) of this section.

(vii) **OFFENDERS WHO LACK A FIXED RESIDENCE.** Any person who lacks a fixed residence and leaves the county in which he or she is registered and enters and remains within a new county for twenty-four hours is required to register with the county sheriff not more than twenty-four hours after entering the county and provide the information required in subsection (3)(b) of this section.

(viii) **OFFENDERS WHO LACK A FIXED RESIDENCE AND WHO ARE UNDER SUPERVISION.** Offenders who lack a fixed residence and who are under the supervision of the department shall register in the county of their supervision.

(ix) **OFFENDERS WHO MOVE TO, WORK, CARRY ON A VOCATION, OR ATTEND SCHOOL IN ANOTHER STATE.** Offenders required to register in Washington, who move to another state, or who work, carry on a vocation, or attend school in another state shall register a new address, fingerprints, and photograph with the new state within ten days after establishing residence, or after beginning to work, carry on a vocation, or attend school in the new state. The person must also send written notice within ten days of moving to the new state or to a foreign country to the county sheriff with whom the person last registered in Washington state. The county sheriff shall promptly forward this information to the Washington state patrol.

(b) Failure to register within the time required under this section constitutes a per se violation of this section and is punishable as provided in subsection (10) of this section. The county sheriff shall not be required to determine whether the person is living within the county.

(c) An arrest on charges of failure to register, service of an information, or a complaint for a violation of this section, or arraignment on charges for a violation of this section, constitutes actual notice of the duty to register. Any person charged with the crime of failure to register under this section who asserts as a defense the lack of notice of the duty to register shall register immediately following actual notice of the duty through arrest, service, or arraignment. Failure to register as required under this subsection (4)(c) constitutes grounds for filing another charge of failing to register. Registering following arrest, service, or arraignment on charges shall not relieve the offender from criminal liability for failure to register prior to the filing of the original charge.

(d) The deadlines for the duty to register under this section do not relieve any sex offender of the duty to register under this section as it existed prior to July 28, 1991.

(5)(a) If any person required to register pursuant to this section changes his or her residence address within the same county, the person must send written notice of the change of address to the county sheriff within seventy-two hours of moving. If any person required to register pursuant to this section moves to a new county, the person must send written notice of the change of address at least fourteen days before moving to the county sheriff in the new county of residence and must register with that county sheriff within twenty-four hours of moving. The person must also send written notice within ten days of the change of address in the new county to the county sheriff with whom the person

last registered. The county sheriff with whom the person last registered shall promptly forward the information concerning the change of address to the county sheriff for the county of the person's new residence. Upon receipt of notice of change of address to a new state, the county sheriff shall promptly forward the information regarding the change of address to the agency designated by the new state as the state's offender registration agency.

(b) It is an affirmative defense to a charge that the person failed to send a notice at least fourteen days in advance of moving as required under (a) of this subsection that the person did not know the location of his or her new residence at least fourteen days before moving. The defendant must establish the defense by a preponderance of the evidence and, to prevail on the defense, must also prove by a preponderance that the defendant sent the required notice within twenty-four hours of determining the new address.

(6)(a) Any person required to register under this section who lacks a fixed residence shall provide written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence. The notice shall include the information required by subsection (3)(b) of this section, except the photograph and fingerprints. The county sheriff may, for reasonable cause, require the offender to provide a photograph and fingerprints. The sheriff shall forward this information to the sheriff of the county in which the person intends to reside, if the person intends to reside in another county.

(b) A person who lacks a fixed residence must report weekly, in person, to the sheriff of the county where he or she is registered. The weekly report shall be on a day specified by the county sheriff's office, and shall occur during normal business hours. The county sheriff's office may require the person to list the locations where the person has stayed during the last seven days. The lack of a fixed residence is a factor that may be considered in determining an offender's risk level and shall make the offender subject to disclosure of information to the public at large pursuant to RCW 4.24.550.

(c) If any person required to register pursuant to this section does not have a fixed residence, it is an affirmative defense to the charge of failure to register, that he or she provided written notice to the sheriff of the county where he or she last registered within forty-eight hours excluding weekends and holidays after ceasing to have a fixed residence and has subsequently complied with the requirements of subsections (4)(a)(vii) or (viii) and (6) of this section. To prevail, the person must prove the defense by a preponderance of the evidence.

(7) A sex offender subject to registration requirements under this section who applies to change his or her name under RCW 4.24.130 or any other law shall submit a copy of the application to the county sheriff of the county of the person's residence and to the state patrol not fewer than five days before the entry of an order granting the name change. No sex offender under the requirement to register under this section at the time of application shall be granted an order changing his or her name if the court finds that doing so will interfere with legitimate law enforcement interests, except that no order shall be denied when the name change is requested for religious or legitimate cultural reasons or in recognition of marriage or dissolution of marriage. A sex offender under the requirement to register under this section who receives an order changing his or her name shall submit a copy of the order to the county sheriff of the county of the person's residence and to the state patrol within five days of the entry of the order.

(8) The county sheriff shall obtain a photograph of the individual and shall obtain a copy of the individual's fingerprints.

(9) For the purpose of RCW 9A.44.130, 10.01.200, 43.43.540, 70.48.470, and 72.09.330:

(a) "Sex offense" means:

(i) Any offense defined as a sex offense by RCW 9.94A.030;

(ii) Any violation under RCW 9A.44.096 (sexual misconduct with a minor in the second degree);

(iii) Any violation under RCW 9.68A.090 (communication with a minor for immoral purposes);

(iv) Any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a sex offense under this subsection; and

(v) Any gross misdemeanor that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a sex offense under RCW 9.94A.030 or this subsection.

(b) "Kidnapping offense" means: (i) The crimes of kidnapping in the first degree, kidnapping in the second degree, and unlawful imprisonment, as defined in chapter 9A.40 RCW, where the victim is a minor and the offender is not the minor's parent; (ii) any offense that is, under chapter 9A.28 RCW, a criminal attempt, criminal solicitation, or criminal conspiracy to commit an offense that is classified as a kidnapping offense under this subsection (9)(b); and (iii) any federal or out-of-state conviction for an offense that under the laws of this state would be classified as a kidnapping offense under this subsection (9)(b).

(c) "Employed" or "carries on a vocation" means employment that is full-time or part-time for a period of time exceeding fourteen days, or for an aggregate period of time exceeding thirty days during any calendar year. A person is employed or carries on a vocation whether the person's employment is financially compensated, volunteered, or for the purpose of government or educational benefit.

(d) "Student" means a person who is enrolled, on a full-time or part-time basis, in any public or private educational institution. An educational institution includes any secondary school, trade or professional institution, or institution of higher education.

(10)(a) A person who knowingly fails to register with the county sheriff or notify the county sheriff, or who changes his or her name without notifying the county sheriff and the state patrol, as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony sex offense as defined in subsection (9)(a) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony sex offense as defined in subsection (9)(a) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(11)(a) A person who knowingly fails to register or who moves within the state without notifying the county sheriff as required by this section is guilty of a class C felony if the crime for which the individual was convicted was a felony kidnapping offense as defined in subsection (9)(b) of this section or a federal or out-of-state conviction for an offense that under the laws of this state would be a felony kidnapping offense as defined in subsection (9)(b) of this section.

(b) If the crime for which the individual was convicted was other than a felony or a federal or out-of-state conviction for an offense that under the laws of this state would be other than a felony, violation of this section is a gross misdemeanor.

(12) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a peace officer, including a county sheriff, or law enforcement agency, for failing to release information authorized under this section.

Sec. 2 RCW 4.24.550 and 2003 c 217 s 1 are each amended to read as follows:

(1) In addition to the disclosure under subsection (5) of this section, public agencies are authorized to release information to the public regarding sex and kidnapping offenders when the agency determines that disclosure of the information is relevant and necessary to protect the public and counteract the danger created by the particular offender. This authorization applies to information regarding: (a) Any person adjudicated or convicted of a sex offense as defined in RCW 9A.44.130 or a kidnapping offense as defined by RCW 9A.44.130; (b) any person under the jurisdiction of the indeterminate sentence review board as the result of a sex offense or kidnapping offense; (c) any person committed as a sexually violent predator under chapter 71.09 RCW or as a sexual psychopath under chapter 71.06 RCW; (d) any person found not guilty of a sex offense or kidnapping offense by reason of insanity under chapter 10.77 RCW; and (e) any person found incompetent to stand trial for a

sex offense or kidnapping offense and subsequently committed under chapter 71.05 or 71.34 RCW.

(2) Except for the information specifically required under subsection (5) of this section, the extent of the public disclosure of relevant and necessary information shall be rationally related to: (a) The level of risk posed by the offender to the community; (b) the locations where the offender resides, expects to reside, or is regularly found; and (c) the needs of the affected community members for information to enhance their individual and collective safety.

(3) Except for the information specifically required under subsection (5) of this section, local law enforcement agencies shall consider the following guidelines in determining the extent of a public disclosure made under this section: (a) For offenders classified as risk level I, the agency shall share information with other appropriate law enforcement agencies and, if the offender is a student, the public or private school regulated under Title 28A RCW or chapter 72.40 RCW which the offender is attending, or planning to attend. The agency may disclose, upon request, relevant, necessary, and accurate information to any victim or witness to the offense and to any individual community member who lives near the residence where the offender resides, expects to reside, or is regularly found; (b) for offenders classified as risk level II, the agency may also disclose relevant, necessary, and accurate information to public and private schools, child day care centers, family day care providers, businesses and organizations that serve primarily children, women, or vulnerable adults, and neighbors and community groups near the residence where the offender resides, expects to reside, or is regularly found; (c) for offenders classified as risk level III, the agency may also disclose relevant, necessary, and accurate information to the public at large; and (d) because more localized notification is not feasible and homeless and transient offenders may present unique risks to the community, the agency may also disclose relevant, necessary, and accurate information to the public at large for offenders registered as homeless or transient.

(4) The county sheriff with whom an offender classified as risk level III is registered shall cause to be published by legal notice, advertising, or news release a sex offender community notification that conforms to the guidelines established under RCW 4.24.5501 in at least one legal newspaper with general circulation in the area of the sex offender's registered address or location. The county sheriff shall also cause to be published consistent with this subsection a current list of level III registered sex offenders, twice yearly. Unless the information is posted on the web site described in subsection (5) of this section, this list shall be maintained by the county sheriff on a publicly accessible web site and shall be updated at least once per month.

(5)(a) When funded by federal grants or other sources, the Washington association of sheriffs and police chiefs shall create and maintain a statewide registered sex offender web site, which shall be available to the public. The web site shall post all level III and level II registered sex offenders in the state of Washington.

(i) For level III offenders, the web site shall contain, but is not limited to, the registered sex offender's name, relevant criminal convictions, address by hundred block, physical description, and photograph. The web site shall provide mapping capabilities that display the sex offender's address by hundred block on a map. The web site shall allow citizens to search for registered sex offenders within the state of Washington by county, city, zip code, last name, type of conviction, and address by hundred block.

(ii) For level II offenders, the web site shall contain, but is not limited to, the same information and functionality as described in (a)(i) of this subsection, provided that it is permissible under state and federal law. If it is not permissible, the web site shall be limited to the information and functionality that is permissible under state and federal law.

(b) Until the implementation of (a) of this subsection, the Washington association of sheriffs and police chiefs shall create a web site available to the public that provides electronic links to county-operated web sites that offer sex offender registration information.

(6) Local law enforcement agencies that disseminate information pursuant to this section shall: (a) Review available risk level classifications made by the department of corrections, the department of

social and health services, and the indeterminate sentence review board; (b) assign risk level classifications to all offenders about whom information will be disseminated; and (c) make a good faith effort to notify the public and residents at least fourteen days before the offender is released from confinement or, where an offender moves from another jurisdiction, as soon as possible after the agency learns of the offender's move, except that in no case may this notification provision be construed to require an extension of an offender's release date. The juvenile court shall provide local law enforcement officials with all relevant information on offenders allowed to remain in the community in a timely manner.

(7) An appointed or elected public official, public employee, or public agency as defined in RCW 4.24.470, or units of local government and its employees, as provided in RCW 36.28A.010, are immune from civil liability for damages for any discretionary risk level classification decisions or release of relevant and necessary information, unless it is shown that the official, employee, or agency acted with gross negligence or in bad faith. The immunity in this section applies to risk level classification decisions and the release of relevant and necessary information regarding any individual for whom disclosure is authorized. The decision of a local law enforcement agency or official to classify an offender to a risk level other than the one assigned by the department of corrections, the department of social and health services, or the indeterminate sentence review board, or the release of any relevant and necessary information based on that different classification shall not, by itself, be considered gross negligence or bad faith. The immunity provided under this section applies to the release of relevant and necessary information to other public officials, public employees, or public agencies, and to the general public.

(8) Except as may otherwise be provided by law, nothing in this section shall impose any liability upon a public official, public employee, or public agency for failing to release information authorized under this section.

(9) Nothing in this section implies that information regarding persons designated in subsection (1) of this section is confidential except as may otherwise be provided by law.

(10) When a local law enforcement agency or official classifies an offender differently than the offender is classified by the end of sentence review committee or the department of social and health services at the time of the offender's release from confinement, the law enforcement agency or official shall notify the end of sentence review committee or the department of social and health services and submit its reasons supporting the change in classification. Upon implementation of subsection (5)(a) of this section, notification of the change shall also be sent to the Washington association of sheriffs and police chiefs.

NEW SECTION. Sec. 3 The safety center of the office of the superintendent of public instruction shall review the types and amounts of training that will be necessary for principals, teachers, supervisors, and school staff to implement this act and shall report to the appropriate committees of the legislature with recommendations for training requirements not later than January 1, 2006.

NEW SECTION. Sec. 4 This act takes effect September 1, 2006.

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2005

TASK FORCE DISCUSSION

History

Discussions began by setting the stage with an introduction to a related piece of legislation on juvenile offenders, ESSB 5903 in 2003 and the resulting legislative report entitled “Juvenile Offenders in Public Schools” and how that legislative report could be of value in framing their upcoming discussions. Then members were introduced to the details of HB 2101 and their task ahead. They were given a timeline of meetings and discussed the expected outcomes for the legislative report which had a due date of January 1, 2006. Next, they were provided with presentations from a variety of experts in the field on community safety, sex offender notification practices, information sharing, and shown some best practices before discussing training needs.

Facilitated workgroups with structured questions assisted the members in gathering their thoughts on the subjects of sex offender notification, information sharing between the institution and the public school, and school staff training. The topics discussed included:

Sex Offender Notification

- The current process of notification by law enforcement when a juvenile sex offender enrolls in a public school.
- The timelines on notification by law enforcement.
- The process of treatment programs and juvenile institutions releasing juvenile sex offenders.
- What schools do with information when a sex offender enters the school.

Information Sharing

- The specific type of information currently shared between agencies.
- Additional information that could be shared between agencies to assist in the transition.
- Barriers and liabilities of sharing such information.

Training

- Current staff training offerings for juvenile sex offenders transitioning to public schools.
- The variety of school staff in need of training.
- Training components which could assist school staff, the juvenile offender, and the other students when the juvenile sex offenders transition into the public school.
- The curriculum content, mode of delivery, training frequency, and costs for training for school staff on juvenile sex offenders.

Training Modes Available

- Train-the-trainer model.
- Webinars (seminars offered on the Internet).
- Professional conference or pre-conference sessions provided by educational agencies.
- District or school staff meetings or retreats.
- Coordinated with the Criminal Justice Training Center’s School Security Academy training.
- Coordinated training with House Bill 1147 Adult Sex Offender Management training.
- Downloadable information on the OSPI Safety Center Web site.

Related Training Available

- Washington’s Statewide Network of Schools Implementing Positive Behavior Support is a multi-agency project taking place in many schools throughout Washington. This is a project which addresses the challenging behavior of students, using schoolwide, targeted, and intensive interventions for students with challenging behavior.
- A Functional Behavior Assessment course on positive behavior support plans and interventions is available to school staff through education service districts and others.
- A related training model: “Bullying and Harassment Policies and Procedures” training for 11,500 school personnel was created in a train-the-trainer model through a two-year partnership between OSPI and the Association of Washington School Principals.

Suggested Staff Training Components

Basic Administrator Training	
For superintendents, assistant superintendents, risk managers, program managers, principals, and assistant principals. Administrators may also include their program specialists who work one-on-one with these youth, such as school security officers, school resource officers, school counselors, psychologists, and social workers.	
1	The Law: House Bill 2101 Briefing
2	Information Sharing: Law enforcement shares with principal; principal shares with staff; what to expect, what can be released, and how to release information
3	Confidentiality laws
4	Resources/where to go for additional information
5	Basic sex offender and kidnapping offender laws
6	Crime descriptions
7	Registration requirements
8	Education on sex offender risk levels
9	Notification requirements (court, DSHS/JRA, law enforcement, schools)
10	Basic sex offender treatment information (include recidivism rates information) including distinctions between adult and juvenile sex offenders
11	Supervision by probation, parole, and law enforcement and no supervision
12	Specific victim issues and impact on others who have been victims of a sex offense, kidnapping offense, or other crimes
13	Basics of supervision (tied to risk level information)
14	Offense cycle, warning signs, and triggers
15	Safety planning
16	Conditions of supervision
17	Victim profile(s)
18	Student rights
19	Victim rights
20	Offender rights
21	Staff rights
22	Dealing with the public: Parents, students, community, and the media
23	Risk Management and Liability
24	Policy Training (recommended guidelines)

Instructional and Support Staff Training	
1	The Law: House Bill 2101 Briefing
2	Information Sharing: Law enforcement shares with principal; principal shares with staff; what to expect, what can be released, and how to release information

Instructional and Support Staff Training Continued	
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3	Confidentiality laws
4	Resources/where to go for additional information
5	The basics of sex offender risk levels
6	Student Rights
7	Policy Training (recommended guidelines)

AGENDA
Juvenile Offenders Notification Task Force
 Day 1
 Thursday, September 22, 2005

Time:	Topic:	Presenter:
8:45 – 9:20 a.m.	Participant Sign-In & Coffee	
9:30 a.m.	Welcome	Martin Mueller, OSPI Cheryl Sullivan-Colglazier, JRA
9:45 a.m.	Introductions Facilitators & Participants	Facilitators
10:15 a.m.	Introduction of SB 5903 & HB 2101 Group Expectations & Outcomes	Craig Apperson, OSPI Sonja Hallum, House Juvenile Justice Kathleen Sande, OSPI
11:00 a.m.	Break	
11:15 a.m.	<i>Community Safety</i>	Suzanne Brown McBride, Partnership for Community Safety
12:00 p.m.	Lunch	
1:00 p.m.	<i>PANEL: Current practice: release planning, notification, supervision, risk factors influencing community safety, school issues and information sharing between schools and juvenile justice (JRA & Detention)</i>	Patti Berntsen, JRA Barry Nusbaum, JRA Sgt. Jeff Tower, WASPC Bill Detmering, Principal, Maple Lane Pat Escamilla, Probation Shelly Maluo, Juvenile Court Administrator Larry Farrar, Seattle SD
2:30 p.m.	<i>PANEL: Information sharing and FERPA</i>	Dave Stollier, OSPI AAG Jeff Kellip, JRA AAG Trent Phillips, JRA
3:00 p.m.	<i>Introduction of facilitated workgroups</i>	Facilitators
3:15 p.m.	Break	
3:30 p.m.	<i>Facilitated Workgroup #1: Juvenile Offenders Reintegration</i>	
5:30 p.m.	Adjourn	

AGENDA
Juvenile Offenders Notification Task Force
Day 2
Thursday, September 23, 2005

Time:	Topic:	Presenter:			
7:30 a.m.	Continental Breakfast				
8:15 a.m.	Overview & Recap				
8:30 a.m.	PANEL: <ul style="list-style-type: none"> • In-house Probation • Sex Offender Notification • Information-sharing with community schools 	Shawn Guajardo, Probation officer in Pasco HS Detective Coleman, Snohomish County Police Bob Walters, Principal, Green Hill School Cathy Hallenbeck, Counselor, Green Hill School			
9:15 a.m.	Facilitated discussion: What training is needed for staff	Randy Town, CJTC, ESD 105, Yakima, WA Jerry Painter, WEA			
10:00 a.m.	Break				
10:15 a.m.	<i>Facilitated workgroup #2: Information Sharing</i>				
12:00 p.m.	Lunch				
1:00 a.m.	<i>Facilitated workgroup #3: Staff Training</i>				
2:15 p.m.	Break				
2:30 p.m.	<i>REVIEW & PLANNING NEXT STEPS</i>				
3:30 p.m.	Adjourn				
9/22-23/05	10/31/05	11/4/05	11/18/05	11/18-21/05	12/15/05
Task force meeting #1	Strategy mtg. for chairs & process-owners	Task Force mtg. #2	Draft report completed	Review period	Final Report

AGENDA

Juvenile Offenders Notification Task Force

Friday, November 4, 2005

Tacoma School District Professional Development Center

Time:	Topic:	Presenter:
9:45 – 10:00 a.m.	Participant Sign-In & Coffee	
10:00 a.m.	Welcome Back Review data from last meeting	Kathleen Sande, OSPI Cheryl Sullivan-Colglazier, JRA
10:15 a.m.	Discussion: Key Issues for the report Group Expectations & Outcomes	Cheryl Sullivan-Colglazier, JRA Craig Apperson, OSPI
10:45 a.m.	Definitions: Training levels & Staff training groups	Craig Apperson, OSPI Kecia Rongen, JRA
11:00 a.m.	Introduction to Group Process: Training Content and Methods Divide into 3 groups	Kathleen Sande, OSPI
12:00 p.m.	Working Lunch	
1:00 p.m.	Come back together Discussion on findings for consensus	Kecia Rongen, JRA
2:30 p.m.	Next steps: Compile information on cost Date: Draft report sent out for review Review Period Final report due 12/30/05	ALL
3:00 p.m.	Adjourn	

Juvenile Offenders in Public Schools

Legislative Report –
Senate Bill 5903 Task Force



Dr. Terry Bergeson
State Superintendent of
Public Instruction

December 2003

Office of Superintendent of Public Instruction
Old Capitol Building
P.O. Box 47200
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Legislative Report – Senate Bill 5903 Task Force

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The Senate Bill 5903 Task Force involved a wide array of representatives of school, juvenile justice, law enforcement, and community agency organizations. The bill required invitations to the following groups:

...a representative from the juvenile rehabilitation administration of the department of social and health services, the state board of education, associations which represent school teachers, administrators, and school boards, superior court judges, the Washington association of juvenile court administrators, prosecuting attorneys, the governor, attorneys whose practice includes criminal defense work for juvenile defendants, three groups whose primary purpose is the delivery of services to families and children, and law enforcement. The three groups who deliver services shall be selected by the superintendent of public instruction.

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Engrossed Substitute Senate Bill 5903 Task Force Report

Juvenile Offenders in Public Schools: Public School & Juvenile Justice System Collaboration

Enacted by the 2003 Washington State Legislature, Engrossed Substitute Senate Bill (ESSB) 5903 required the Office of Superintendent of Public Instruction (OSPI) to chair a Task Force to address the coordination of information, education services, and matters of public safety when juvenile offenders are released and placed into public schools. The Task Force, as required by the legislation, was comprised of a wide array of educational and juvenile justice system representatives. The charge of the Task Force was to **identify specific policies and statutory, administrative, and practice processes and barriers that may operate to impede:**

(a) The identification and delivery of appropriate and coordinated services to juvenile offenders who are placed in, or returned to public schools following conviction of an offense; and

(b) Transmittal of information regarding juvenile offenders who are returned to, or placed in, public schools following conviction of an offense. The task force shall recommend specific statutory and administrative changes as it finds appropriate to eliminate or reduce the barriers identified as a result of this subsection.

(ESSB 5903, Section 8(3) (a) and (b))

The Task Force divided into three subcommittees to address the elements of concern in the legislation; i.e., Coordination of Information, Education Services, and Public Safety. The results of these efforts include:

Coordination of Information

Summary of Concerns:

1. Schools and community agencies are reluctant to share information regarding risk issues presented by juvenile offenders because:
 - a. Fear of liability.
 - b. Each of the key stakeholders is required to address different laws and regulations governing confidentiality (e.g., Family Education Rights and Privacy Act (FERPA) for schools, Health Insurance Portability Accountability Act (HIPAA) for healthcare agencies, etc.).
 - c. The various federally driven confidentiality laws are viewed by most as extremely complex, resulting in confusion as to the development of local policies and procedures.
 - d. Many of the school and agency policies are silent on how such issues should be handled.

Summary of Recommendations:

1. Legislation should be considered to provide indemnification for schools and agencies that share information regarding juvenile offenders when the shared information addresses the specific needs of community safety.
2. Legislation should be considered to create and fund a in-depth study by legal and policy experts regarding the elements of potential conflict between FERPA, HIPAA, and other federal and state regulatory confidentiality rules. The purpose would be to develop of formal guidelines for schools and community agencies when dealing with information sharing about at-risk youth.
3. Funding should be provided for the development and implementation of a cross-system training program for administrators and policy professionals to address the requirements and limitations inherent in each of the confidentiality laws and regulations.

Education Services

Summary of Concerns:

1. Schools have had difficulty accessing behavioral and case/risk management records from juvenile justice and mental health agencies to assist in their own internal behavior management plans.
2. No standardized format exists to define categories of student problem behavior, the frequency of those behaviors, the degree to which the behavior presents a problem in the school environment, and the methods that have been successful for remediation or mitigation.
3. School environments are often disrupted by the admission of juvenile offenders when there is a lack of coordination with the referring agency, limiting the reliability of the information received.
4. School personnel do not have the information on how to best manage offenders in terms of the risks they may pose in a school environment, resulting in the potential for use of ineffective measures that might escalate problem behavior.

Summary of Recommendations:

1. In concert with Recommendation #2 under “Coordination of Information” funding should be provided for a study group (including school district, juvenile justice, mental health, and drug/alcohol program administrators) to define the specific types of information that could be shared between agencies, and generate a best practice set of guidelines for local use.
2. A Functional Behavior Assessment (FBA) format, identifying key risk factors and intervention methods, should be devised by school districts providing services to juvenile offenders and juvenile justice personnel. This would be consistent with the enrollment processes identified in RCW 28A.225.030. The essential elements appear to be:
 - a. Allowing school districts providing services to juvenile’s offenders to access juvenile justice files to develop the FBA.

- b. Completing the FBA should be prior to release from incarceration for all juvenile offenders enrolled in a school program for 30 or more consecutive school days, and transmitted as part of the educational record to the receiving school district.
 - c. Developing the format and procedures could be through a committee comprised of Juvenile Rehabilitation Administration (DSHS/JRA) officials and the school districts that provide services to JRA residents.
3. An education plan should be developed for each offender prior to release from DSHS/JRA. The plan should include an assessment of the current achievement levels of the offender, and a transition plan for enrolling the student in a school or training program.
 4. Legislation should be considered to provide resources for juvenile justice personnel to provide safety and violence intervention training to school personnel when they are providing services to juvenile offenders, in coordination with existing trainings through the Criminal Justice Training Commission.

Public Safety

Summary of Concerns:

1. Schools and community agency partners have not developed consensus on the definition of a safe school environment relative to the needs and risks presented by the provision of K-12 services to juvenile offenders.
2. Effective collaboration models between schools and community agency partners addressing juvenile offender issues exist in some communities, but are viewed as projects rather than infused into the standard operating procedures of most agencies.
3. Many communities lack pro-active meetings between schools and agency partners to address the needs of juvenile offenders and other at-risk youth, leading to inconsistent and uncoordinated approaches to intervention.

Summary of Recommendations:

1. Communities and schools need to mutually define:
 - a. The elements that constitute a safe school.
 - b. The elements that constitute effective school-community collaboration when providing services to juvenile offenders or those perceived as high-risk youth.
 - c. The barriers that seem to exist regarding implementation of number 1 and 2.
 - d. An action plan to address those barriers.
2. School districts and juvenile justice agencies need to create written agreements delineating the manner in which they will collaborate when dealing with the needs of juvenile offenders. Voluntary guidelines to address such agreements are viewed as a place to initiate such agreements (refer to Appendix A).
3. School districts need to designate a single person as a point of contact to address admission and supervision issues with juvenile offenders.
4. Community agencies providing services to juvenile offenders need to designate a single person as a point of contact for school districts to address admission and supervision issues.

5. School district safety plans need to incorporate the prevention, early intervention, crisis response, and post-crisis recovery risks associated with juvenile offenders being placed in public schools.

6. Schools and community agencies working with juvenile offenders should develop a directory of professional contacts to promote coordination of services. This could be coordinated regionally through the DSHS/JRA regional offices and the Educational Service Districts (ESDs), or possibly through the OSPI School Safety Advisory Committee.
7. Schools and community agencies should consider co-locating resources (e.g., law enforcement, probation and parole, mental health, drug/alcohol, etc.) addressing the needs of juvenile offenders. This is consistent with safety planning requirements in RCW28A.320.125, and enhances inter-disciplinary communication and intervention.
8. Schools and community agencies need to identify existing resources for students, staff, and volunteers who may be the victims of criminal conduct.

Discussion

The short time frame of the Task Force required a limited focus on each of the topics in the statute. The multi-disciplinary nature of this task fostered a generally heightened awareness of the concerns, needs, limitations, and complexities faced by the major stakeholders. This concern generated a recommendation that an ongoing policy-level committee be established to continue to address the issues in this report. One possible method is to create a standing subcommittee of the OSPI School Safety Advisory Committee to focus on school and community safety issues relative to juvenile offenders.

Aside from the complexities of the various confidentiality laws and regulations, no specific policies or statutes were defined as barriers to interagency collaboration relative to juvenile offender issues in public schools. Task Force members agreed that it would be optimal to strive for a balance between the needs of providing the juvenile offender with both educational and psycho-social services, **and** maintaining the safety and orderliness of the public school environment. Consensus revealed that there is no standard of practice or “best practice” guideline that defines the essential elements of how public schools, juvenile justice agencies, and other involved agencies, should work together to accomplish this mission.

Such standards or guidelines should be developed; however, the issue of funding and resources to establish and maintain these efforts is a primary concern for the following reasons:

- a. As a result of several years of fiscal cut-backs, schools and public agencies in general have been increasingly forced to prioritize services for programs that are either legally mandated or where there are specific funds allocated to a program.
- b. The ability of many schools and community agencies, particularly those that are small, rural, and remote in nature, is severely stressed when asked to participate in new programs without fiscal support.

While some of the recommendations within this report may have few fiscal implications, it seems clear that enhancements of interagency efforts beyond existing practices will likely require additional resources.

Appendix A

JUVENILE OFFENDERS IN PUBLIC SCHOOLS: A MODEL AGREEMENT BETWEEN SCHOOLS & JUVENILE JUSTICE AGENCIES

The presence of juvenile offenders in a public school results in a tension between the state's duty to provide an educational opportunity for all students and the duty to ensure a safe and secure educational environment for all students. Managing these issues would optimally include:

1. Development of a formal written agreement between the juvenile justice agency and the school district as to the conditions of supervision and collaboration. Such an agreement would contain the following:
 - a. A statement of the philosophy, goals, and objectives of supervision.
 - b. A clear definition of the role of the juvenile justice agent relative to supervision of students in the school environment.
 - c. A clear definition of the role of the school district administration and staff in supporting the juvenile justice agent.
 - d. A list of juvenile justice agent responsibilities, including participation in any student assistance or pupil services team involving a supervisee.
 - e. Procedures assuring juvenile justice agents' access to student records, including attendance, discipline, grading, and progress reports, subject to the limitations of FERPA.
 - f. Provisions for meetings between juvenile justice department administrators and school administrators to discuss ongoing program issues.
 - g. Procedures promoting the reporting to juvenile justice agents of student misconduct to coordinate behavior management plans.
 - h. Provisions for meetings between school case management personnel and juvenile justice case management personnel to coordinate safety plans.
2. Notification to schools in advance of all juvenile offenders scheduled to be released in the boundaries of a school district.
3. For offenders returning to public schools from a Juvenile Rehabilitation Administration (DSHS/JRA) facility, including in the notification:
 - a. Significant demographic and identifying data.
 - b. The student's criminal history, including the number and types of crimes committed on school grounds.
 - c. The history of the student's behavior in school programs both in the community and in detention and juvenile justice programs.
 - d. The known risk factors associated with misconduct and criminal behavior (including the known escalation pattern).
 - e. The plan for community supervision (including how each of the risk factors are to be addressed or mitigated).

- f. The recommendations to school personnel for collaboration to promote safety in the school environment.

4. Juvenile justice personnel providing school personnel with training on how to use the risk assessment data to manage student behavior and to enhance collaboration.
5. School personnel providing training to juvenile justice personnel to address the range of issues that may affect a student's adaptability to a community K-12 environment.
6. Providing to school personnel the name of the juvenile community supervision specialist assigned to provide services to the offender, including contact information, and the recommended schedule for contact with school personnel to promote active collaboration.
7. Providing to the juvenile justice agency the name and contact information of a district-level contact for the juvenile justice agency for all notifications and related business.