



SCHOOL BOARD ACTION REPORT

DATE: June 3, 2019
FROM: Ms. Denise Juneau, Superintendent
LEAD STAFF: Ronald Boy, Acting Chief Legal Counsel
rdboy@seattleschools.org, 206-252-0114;
Fred Podesta, Chief of Operations
fhpodesta@seattleschools.org, 206-252-0644

For Introduction: June 26, 2019
For Action: July 10, 2019

1. TITLE

Board Policy No. 3143, District Notification of Juvenile Offenders

2. PURPOSE

This Board Action Report makes edits to Board Policy No. 3143 because a recent state-wide audit found that school leaders needed clearer guidance on this issue. The updated policy is a reflection of changes suggested by WSSDA to provide more clarity.

3. RECOMMENDED MOTION

I move that the School Board amend Board Policy No. 3143, District Notification of Juvenile Offenders, as attached to the Board Action Report.

4. BACKGROUND INFORMATION

a. Background

The State Auditor's Office (SAO) evaluated school response to notifications of student criminal offenses through a state-wide audit. The audit did not involve Seattle Public Schools and the SAO did not speak to any district staff, but it did provide valuable insight that can be used to inform district policy. In May 2018, the SAO conducted site visits and met with principals and district officials in schools across the state. Based on their interviews and site visits, the SAO noticed that many of the principals that were interviewed reported concern and confusion about the scope of their duty to share information about students' criminal offenses. The concern was that principals did not want to violate student confidentiality and the confusion was the extent of their duty to share that information. For example, some principals were confused about whether they needed to share the information with all of the student's teachers. Some principals reported they might tell teachers that a specific student had a safety plan, without providing information on the student's criminal history.

After receiving this information from the SAO, WSSDA made edits to their Model Policy 3143 to provide greater clarity for school principals who use the policy. The WSSDA language is largely reflected in the policy attached for approval. Edits to the Board

Policy No. 3143 do not alter the intent of the policy, but instead clarify the district's responsibilities when notice of juvenile offenses is received.

b. Alternatives

Do not approve this policy adoption, which is not recommended, as it would not provide clear guidance to staff and may prevent proper notification of juvenile offenders.

c. Research

The relevant guidance from WSSDA, OSPI and Washington state in developing the proposed changes in this policy has been reviewed and incorporated as appropriate.

5. FISCAL IMPACT/REVENUE SOURCE

The policy reformats the existing policy into a more easily understood format. Therefore, there is no direct cost that could be attributed to the policy.

Expenditure: One-time Annual Multi-Year N/A

Revenue: One-time Annual Multi-Year N/A

6. COMMUNITY ENGAGEMENT

With guidance from the District's Community Engagement tool, this action was determined to merit the following tier of community engagement:

Not applicable

Tier 1: Inform

Tier 2: Consult/Involve

Tier 3: Collaborate

After approval of the change, the amended policy will be posted, and the changes will be made known staff.

7. EQUITY ANALYSIS

This policy was not analyzed using the Racial Equity Analysis. However, data will be analyzed with the racial equity analysis tool to determine equity in applying the policy and to mitigate for any adverse impacts.

8. STUDENT BENEFIT

Students will have a clearer understanding of notification between the justice system, principals, district personnel and school communities for juvenile offenders. Also, student safety will increase through improved communications between school staff, the district and the juvenile justice system.

9. WHY BOARD ACTION IS NECESSARY

- Amount of contract initial value or contract amendment exceeds \$250,000 (Policy No. 6220)
- Amount of grant exceeds \$250,000 in a single fiscal year (Policy No. 6114)
- Adopting, amending, or repealing a Board policy
- Formally accepting the completion of a public works project and closing out the contract
- Legal requirement for the School Board to take action on this matter
- Board Policy No. _____, [TITLE], provides the Board shall approve this item
- Other: _____

10. POLICY IMPLICATION

This would result in aligning Board Policy No. 3143 with updated WSSDA model policy language.

11. BOARD COMMITTEE RECOMMENDATION


This motion was discussed at the Operations Committee meeting on May 16, 2019 and then on June 6, 2019. The Committee reviewed the motion and moved it forward for consideration.

12. TIMELINE FOR IMPLEMENTATION

Upon approval of this motion, Board Policy No. 3143, District Notification of Juvenile Offenders, will be posted online, as attached to this Board Action Report.

13. ATTACHMENTS

- Board Policy No. 3143, District Notification of Juvenile Offenders – clean (for approval)
- Board Policy No. 3143, District Notification of Juvenile Offenders – tracked changes (for reference)

	DISTRICT NOTIFICATION OF JUVENILE OFFENDERS	Policy No. 3143 December 7, 2011 Page 1 of 2
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A court will notify the school in which a student is enrolled if the student has been convicted, adjudicated, or entered into a diversion agreement for any of the following offenses: a violent offense, a sex offense, a firearms offense, inhaling toxic fumes, a drug offense, liquor offense, assault, kidnapping, harassment, stalking or arson. If the district receives this information instead of the school principal, the district will provide it to the principal and the Safety and Security Department manager.

The Department of Social and Health Services (DSHS) will notify the board of directors in writing at least thirty days before a juvenile convicted of a violent offense, a sex offense, or stalking is discharged, paroled, given authorized leave, or is otherwise released to reside in the district. The district will ensure that this written information is provided to the pertinent school principal and the Safety and Security Department manager. The DSHS Sex Offender School Attendance Program will assist in assuring that juvenile sex offenders, committed to Juvenile Rehabilitation Administration (JRA), do not enroll in the same school as their victim or their victim’s siblings. If there is a conflict in schools, DSHS program staff will work with the district to have the offender moved to another school. The offender and his or her parent or guardian shall be responsible for providing transportation or covering other costs related to the offender’s attendance at another school.

A community residential facility to which an adjudicated juvenile is transferred will provide written notice of the offender’s criminal history to the district if the juvenile is attending school in the district while residing at a community residential facility. The district will provide the written notice to the school’s principal.

When a school principal receives notification of juvenile offenders as described above, they must provide the information received about the student to the Safety and Security Department, every teacher of the student, and to any other personnel who, in the judgment of the principal, should be aware of the student’s record. The information the principal must provide is based on any written records that the principal maintains or receives from a juvenile court administrator or a law enforcement agency regarding the student.

Any information received by the district under this policy is confidential. The information may not be further disseminated except as permitted by the statute for the transfer of information and permanent records (RCW 28A.225.330), other statutes and case law, or the Family Educational Rights and Privacy Act, 20 U.S.C. Sec 1232g et seq.

A student convicted, adjudicated, or entering into a diversion agreement for an assault, kidnapping, harassment, stalking, or arson against a teacher shall not be assigned to that teacher's school. Neither shall the student be assigned to a classroom where another student who was his or her victim for the offense is enrolled.

Convicted sex offenders will not attend a school attended by their victims or a victim's sibling. The offender and his or her parent or guardian shall be responsible for providing transportation or covering other costs related to the offender's attendance at another school.

Adopted: December 2011

Revised: June 2019

Cross Reference: Policy Nos. 2161; 3140; 4315

Related Superintendent Procedure:

Previous Policies:

Legal References: 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 — Definitions; RCW 28A.600.460 Classroom discipline — policies —classroom placement of student offenders — data on disciplinary actions

Management Resources: *Policy News*, June 1999; August 1997



DISTRICT
NOTIFICATION OF
JUVENILE OFFENDERS

Policy No. 3143
December 7, 2011
Page 1 of 3

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