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HOUSE BILL 1788

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State of Washington

57th Legislature

2001 Regular Session

By Representatives Woods, Lantz, Talcott, Rockefeller, Cairnes,  
Anderson, Bush and Pflug

Read first time 02/05/2001. Referred to Committee on Juvenile Justice.

1 AN ACT Relating to information on students; amending RCW  
2 28A.225.330 and 13.04.155; and adding a new section to chapter 28A.320  
3 RCW.

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

5 **Sec. 1.** RCW 28A.225.330 and 1999 c 198 s 3 are each amended to  
6 read as follows:

7 (1) When enrolling a student who has attended school in another  
8 school district, the school enrolling the student may request the  
9 parent and the student to briefly indicate in writing whether or not  
10 the student has:

11 (a) Any history of placement in special educational programs;

12 (b) Any past, current, or pending disciplinary action;

13 (c) Any history of violent behavior, or behavior listed in RCW  
14 13.04.155;

15 (d) Any unpaid fines or fees imposed by other schools; and

16 (e) Any health conditions affecting the student's educational  
17 needs.

18 (2) The school enrolling the student shall request the school the  
19 student previously attended to send the student's permanent record

1 including records of disciplinary action, history of violent behavior  
2 or behavior listed in RCW 13.04.155, attendance, immunization records,  
3 and academic performance. If the student has not paid a fine or fee  
4 under RCW 28A.635.060, or tuition, fees, or fines at approved private  
5 schools the school may withhold the student's official transcript, but  
6 shall transmit information about the student's academic performance,  
7 special placement, immunization records, records of disciplinary  
8 action, and history of violent behavior or behavior listed in RCW  
9 13.04.155. If the official transcript is not sent due to unpaid  
10 tuition, fees, or fines, the enrolling school shall notify both the  
11 student and parent or guardian that the official transcript will not be  
12 sent until the obligation is met, and failure to have an official  
13 transcript may result in exclusion from extracurricular activities or  
14 failure to graduate.

15 (3) If information is requested under subsection (2) of this  
16 section, the information shall be transmitted within two school days  
17 after receiving the request and the records shall be sent as soon as  
18 possible. Any school district or district employee who releases the  
19 information in compliance with this section is immune from civil  
20 liability for damages unless it is shown that the school district  
21 employee acted with gross negligence or in bad faith. The state board  
22 of education shall provide by rule for the discipline under chapter  
23 28A.410 RCW of a school principal or other chief administrator of a  
24 public school building who fails to make a good faith effort to assure  
25 compliance with this subsection.

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

30 (5) When a school receives information under this section or RCW  
31 13.40.215 that a student has a history of disciplinary actions,  
32 criminal or violent behavior, or other behavior that indicates the  
33 student could be a threat to the safety of educational staff or other  
34 students, the school shall provide this information to (~~the student's~~  
35 ~~teachers and security~~) all school personnel.

36 **Sec. 2.** RCW 13.04.155 and 2000 c 27 s 1 are each amended to read  
37 as follows:

1 (1) Whenever a minor enrolled in any common school is convicted in  
2 adult criminal court, or adjudicated or entered into a diversion  
3 agreement with the juvenile court on any of the following offenses, the  
4 court must notify the principal of the student's school of the  
5 disposition of the case, after first notifying the parent or legal  
6 guardian that such notification will be made:

7 (a) A violent offense as defined in RCW 9.94A.030;

8 (b) A sex offense as defined in RCW 9.94A.030;

9 (c) Inhaling toxic fumes under chapter 9.47A RCW;

10 (d) A controlled substances violation under chapter 69.50 RCW;

11 (e) A liquor violation under RCW 66.44.270; and

12 (f) Any crime under chapters 9.41, 9A.36, 9A.40, 9A.46, and 9A.48  
13 RCW.

14 (2) The principal must provide the information received under  
15 subsection (1) of this section to ~~((every teacher of any student who  
16 qualifies under subsection (1) of this section and any other personnel  
17 who, in the judgment of the principal, supervises the student or for  
18 security purposes should be aware of the student's record))~~ all school  
19 personnel. The principal must provide the information to ~~((teachers  
20 and other))~~ all school personnel based on any written records that the  
21 principal maintains or receives from a juvenile court administrator or  
22 a law enforcement agency regarding the student.

23 (3) Any information received by a principal or school personnel  
24 under this section is confidential and may not be further disseminated  
25 except as provided in RCW 28A.225.330, other statutes or case law, and  
26 the family and educational and privacy rights act of 1994, 20 U.S.C.  
27 Sec. 1232g et seq.

28 (4) Any school district or district employee who releases the  
29 information in compliance with this section is immune from civil  
30 liability for damages unless it is shown that the school district or  
31 district employee acted with gross negligence or in bad faith.

32 NEW SECTION. Sec. 3. A new section is added to chapter 28A.320  
33 RCW to read as follows:

34 (1) Schools shall maintain a list of students who have been  
35 convicted of any offense described in RCW 13.04.155(1) and shall make  
36 the list available to parents of other children in the school or  
37 parents of children who will be entering the school, upon the request  
38 of the parents.

1       (2) Any school district or district employee, who releases the  
2 information in compliance with this section, is immune from civil  
3 liability for damages unless it is shown that the school district or  
4 district employee acted with gross negligence or in bad faith.

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