

HOUSE BILL REPORT

ESSB 6580

As Reported by House Committee On:
Juvenile Justice & Family Law

Title: An act relating to sex offender and kidnapping offender notification and information sharing in schools.

Brief Description: Creating work groups to evaluate issues relating to juvenile sex offenders and kidnapping offenders in schools.

Sponsors: Senate Committee on Human Services & Corrections (originally sponsored by Senators McAuliffe, Schmidt, Weinstein, Carrell, Berkey, Rasmussen, Oke and Shin).

Brief History:

Committee Activity:

Juvenile Justice & Family Law: 2/17/06, 2/22/06 [DP].

Brief Summary of Engrossed Substitute Bill

- Requires the Office of the Superintendent of Public Instruction to convene a work group to develop a model policy for schools to follow upon receiving notification that a sex offender is attending the school.
- Requires the Washington Coalition of Sexual Assault Programs to develop educational materials relating to sex offense issues.

HOUSE COMMITTEE ON JUVENILE JUSTICE & FAMILY LAW

Majority Report: Do pass. Signed by 7 members: Representatives Dickerson, Chair; Moeller, Vice Chair; McDonald, Ranking Minority Member; McCune, Assistant Ranking Minority Member; Crouse, Lovick and Roberts.

Staff: Sonja Hallum (786-7092).

Background:

In Washington, a person is required to register as a sex offender if he or she has been convicted of a sex offense, a kidnapping offense, or has been found not guilty by reason of insanity of a sex or kidnapping offense. The offender must register with the county sheriff and provide the following information:

- (a) name;
- (b) address;

- (c) place of employment;
- (d) crime for which convicted;
- (e) aliases used;
- (f) Social Security Number;
- (g) photograph;
- (h) fingerprints;
- (i) if the person lacks a fixed residence, where he or she plans to stay; and
- (j) the name of the institution of higher education if the person is enrolled or employed at that institution of higher education.

In 2005, the Legislature passed HB 2101, which added to the list of information a sex offender is required to provide to the sheriff when he or she is registering. House Bill 2101 becomes effective on September 1, 2006, and requires a person who is registering as a sex or kidnapping offender to provide the sheriff with the name and address of the public or private school he or she is attending or planning to attend. The sheriff is then required to promptly notify the school of the person's intent to attend the school.

The school principal who receives notice of a student who is registered as a level II or III sex or kidnapping offender who is attending, or planning to attend, the school is required to further disclose the information to all teachers of the student, and those whom the principal determines supervise the student or need to know for security purposes. If the student is a level I sex offender the principal may only disclose the information to personnel who need to know for security purposes.

Any information received by the principal or school personnel is confidential and may not be further disseminated except as provided by law.

House Bill 2101 also required the Safety Center of the Office of the Superintendent of Public Instruction (OSPI) to review the types and amounts of training that would be necessary for principals, teachers, supervisors, and school staff to implement the notification requirements and report back to the Legislature not later than January 1, 2006.

The OSPI workgroup findings and recommendations that were reported to the Legislature included the recommendation that model policies regarding the notification processes be developed by the Washington Association of Sheriffs and Police Chiefs and the Washington State School Directors Association.

Summary of Bill:

Work Group

The Office of the Superintendent of Public Instruction (OSPI) is required to convene a workgroup to develop a model policy for schools to follow when receiving notification from the sheriff's office that a sex offender is enrolled, or planning to enroll, at the school. The following are the issues that must be addressed by the model policy:

- (a) designation of appropriate school personnel to receive the notification;
- (b) identification of school personnel who are in a position to recognize high-risk situations or factors that may indicate the offender is encountering difficulty in controlling his or her behavior;
- (c) whether some portion of the records received from the Juvenile Rehabilitation Administration or court personnel is confidential or otherwise protected;
- (d) to whom some portion of the information received must or should be disclosed;
- (e) how to assist juvenile offenders in making a safe and successful transition from institutional schools to public schools;
- (f) how to work with juvenile probation and juvenile parole professionals in implementing a safety plan;
- (g) what actions school authorities may take when they identify high-risk situations, both for the short-term and long-term safety of other students; and
- (h) variations in approaches depending on the offender level of the enrolled offender.

The OSPI is required to submit a report containing the work group recommendations to the appropriate committees of the Legislature by November 15, 2006.

Educational Materials

If funding is provided in the budget, the Washington Coalition of Sexual Assault Programs (WCSAP) is required to develop educational materials to be used throughout the state to inform parents and other interested community members about the following:

- (a) the laws related to sex offenses, and the classification of sex offenders based on an assessment of the risk of reoffending;
- (b) how to recognize sex offender behaviors and how to take positive steps in preventing victimization;
- (c) how safety information may be conveyed to children so they can avoid or appropriately take action in dangerous situations; and
- (d) how to take advantage of community resources for victims of sexual assault.

The WCSAP is required to work in consultation with the Washington Association of Sheriffs and Police Chiefs, the Washington Association of Prosecuting Attorneys, and the OSPI to create the educational materials.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of session in which bill is passed, except section 2, relating to educational materials developed by the Washington Coalition of Sexual Assault Program, which is null and void if not funded in the budget.

Testimony For: (In support) The notification standards should be set out. There are three priorities: (1) to help juveniles transition successfully; (2) creation of a safety plan in the

schools; and (3) to assist teachers to understand what actions they can take to head off problems that may arise. The second part of this bill is for the OSPI to work with the Washington Coalition of Sexual Assault Programs to develop educational materials. The Legislature has required the creation of other educational materials in the past and the public has found them very helpful.

Testimony Against: None.

Persons Testifying: (In support) Senator McAuliffe, prime sponsor.

Persons Signed In To Testify But Not Testifying: None.