

Arlington Public Schools
"Providing the means to accomplish dreams"

Supportive Information Sheet

Subject: SECOND READING AND ADOPTION OF POLICIES:

- *Policy 3140 – Students – Release of Resident Students - Amended*
- *Policy 3143 – Students – District Notification of Juvenile Offenders – New*
- *Policy 3144 – Students – Release of Info. Concerning Student Sex Offenders - New*
- *Policy 3225 – Students – Gang Activity or Association - Deleted*

Action

Page(s): _____ *Nine (9), including cover* _____ *(4 Policies)*

Submitted by: _____ *Dr. Kristine McDuffy, Superintendent*

Date: _____ *May 26, 2009*

Background Information:

These policies have been reviewed by the Board, recommended by legal counsel, and presented in two (2) public meetings; a Study Session on April 27, 2009, and for first reading on May 11, 2009.

Administrative Consideration:

There was one minor change (Policy 3143) requested by the Board at first reading. That change has been made and these four (4) policies are now being presented for second reading and adoption.

Superintendent's Recommendation:

That the Board approves for second and final reading policies 3140, 3143, 3144, and 3225.

RELEASE OF RESIDENT STUDENTS

A student who resides within the boundaries of the District shall be released to 1) attend another school district, or 2) enroll for ancillary services, if any, in another district as specified in the parental declaration of intent to provide home-based instruction, provided the other district agrees to accept the student if:

- A. A financial, educational, safety or health condition affecting the student would be reasonably improved as a result of the transfer;
- B. Attendance at the school in the non-resident district is more accessible to the parent's place of work or to the location of child care; or
- C. There is some other special hardship or detrimental condition affecting the student or the student's immediate family, which would be alleviated as a result of the transfer. Special hardship or detrimental condition includes, but is not limited, to the following: a student who becomes a resident of the District in mid-year may apply for a release to complete the current school year only in his or her former district of residence, if transferring mid-year would create a special hardship or detrimental condition.
- D. The student is a child of a full-time certificated or classified school employee of the district to which they are requesting attendance.

~~2. A student who has dropped out of high school for six weeks or longer, or has returned from participation in a substance abuse treatment program, or is about to become or is a teen parent, or has returned from hospitalization due to a mental health problem may be released to attend any other high school in the state provided he or she is accepted by the nonresident high school.~~

In all cases ~~that the district approves the release of a resident student~~ in which a resident student is released, the student or the student's parent(s) shall be solely responsible for transportation, except that a student may ride on an established District bus route if the Superintendent determines that the District would incur no additional cost.

A parent or guardian shall request the release of his/her child by completing the appropriate District form including the basis for the request and the signature of the Superintendent, or his or her designee, of the school district, which the student will attend.

The Superintendent shall grant or deny the request for release according to the above-stated criteria, and promptly notify the parent in writing of his/her decision.

If the request is granted, the Superintendent District shall notify the non-resident district and make necessary arrangements for the transfer of student records.

If the request is denied, the Superintendent shall notify the parent of the right to petition the Board, upon five school business days prior notice, for review of the decision and to have a hearing before the Board at its next regular meeting. Following the hearing by the Board, a final decision shall be promptly communicated to the parent in writing.

If the request for release is denied by the Board, the written decision shall inform the parent or guardian of the right to appeal such decision to the Superintendent of Public Instruction.

Resident parents shall be informed of inter-district enrollment options annually. The District shall make available for public inspection the Superintendent of Public Instruction's annual information booklet on enrollment options in the State at each school building, the central office and local public libraries.

Legal References:

RCW 28A.175.090	Attendance at nonresident high schools
RCW 28A.225.220	Adults, Children from Other Districts, Agreements for Attending School - Tuition
RCW 28A.225.230	Appeal from Certain Decisions to Deny Student's Request to Attend Non-Resident District - Procedure
RCW 28A.225.290	Enrollment Options Information Booklet
RCW 28A.225.300	Enrollment Options Information to Parents

C 36 L03 Enrolling Children of Certificated and Classified School Employees

Management Resources:

<i>Policy News, February 2001</i>	Federal Budget Implicates Policy
<i>Policy News, June 2003</i>	Enrolling Children of School Employees

Adopted: (WPR)

DISTRICT NOTIFICATION OF JUVENILE OFFENDERS

A court ~~will~~ is required under the law to notify the ~~common school~~ District 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. The Principal must inform any teacher of the student and any other personnel who should be aware of the information. The information may not be further disseminated.

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 classroom during the duration or the student's attendance at that school or any school to which the teacher is assigned. Neither shall the student be assigned to a classroom where another student who was his or her victim for the offense is enrolled.

The State Department of Social and Health Services will notify the ~~Board of Directors~~ District in writing at least thirty (30) days before a juvenile convicted of a violent offense, a sex offense or stalking is discharged, paroled, given authorized leave or otherwise released to reside in the District. The Department will also notify the District if any adjudicated victims of a juvenile sex offender are registered with the Department and on record as attending a school within the District that the juvenile sex offender might otherwise attend.

A community residential facility to which an adjudicated juvenile is transferred shall provide written notice of the offender's criminal history to the District if the juvenile is attending school in the District while residing at the community residential facility.

Convicted juvenile sex offenders shall not attend a school attended by their adjudicated 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.

Cross References:

Board Policy 2161	Special Education and Related Services for Eligible Students
Board Policy 3140	Release of Resident Students
Board Policy 4315	Release of Information Regarding Sexual Offenders

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, August 1997 Legislature Addresses Student Discipline
Policy News, June 1999 School Safety Bills Impact Policy

Adopted: (WPR)

RELEASE OF INFORMATION CONCERNING STUDENT SEXUAL AND KIDNAPPING OFFENDERS

The District recognizes its responsibility for the health and safety of all students, including students required to register as a sex or kidnapping offender enrolled within the District. Therefore, the Board is desirous of taking appropriate precautionary measures in situations where the Building Principal has been advised by law enforcement officials that a student required to register as a sex or kidnapping offender is enrolling or is attending a school within the District.

Principal Responsibilities

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

A. Level I

Sex offenders are classified as Level I when their risk assessments indicate a low risk of reoffense within the community at large.

B. Level II

Sex offenders are classified as Level II when their risk assessments indicate a moderate risk of reoffense within the community at large.

C. Level III

Sex offenders are classified as Level III when their risk assessments indicate a high risk of reoffense within the community at large.

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

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

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

Collaboration

The Principal shall work with local law enforcement to coordinate the receipt of notifications regarding students registered as sex or kidnapping offenders. The Principal or designee shall also consult and collaborate with department of corrections, juvenile justice staff, treatment

providers, victim support groups, and families, as applicable, when working with students required to register as a sex or kidnapping offender.

Confidentiality

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

Immunity from Liability

Any school district or employee who releases the information in compliance with Federal and State law is immune from civil liability for damages unless it is shown that the School District or District employee acted with gross negligence or in bad faith.

Inquiries by the Public

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

Student Rights and Responsibilities

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

Written Procedures

The Superintendent or his designee shall adopt written procedures for School Principals describing how they will disseminate information received from law enforcement with appropriate school personnel.

Cross Reference:

Board Policy 3143	District Notification of Juvenile Offenders
Board Policy 3120	Enrollment

Legal Reference:

RCW 4.24.550	Sex Offenders - and Kidnapping Offenders - Release of Information to Public - When Authorized - Immunity
RCW 28A.225.330 [4]	Enrolling Students From Other Districts - Requests for Information and Permanent Records - Withheld Transcripts - Immunity from Liability - Notification to Teachers and Security Personnel - Rules
RCW 13.40.215	Juveniles Found to Have Committed Violent or Sex Offense or Stalking - Notification of Discharge, Parole, Leave, Release, Transfer, or Escape - To Whom Given - School Attendance - Definitions
RCW 72.09.345	Sex Offenders - Release of Information to Protect Public - End-of-Sentence Review Committee - Assessment

RCW 9A.44.130(1)(e)(i) - Records Access - Review, Classification, Referral of
Offenders - Issuance of Narrative Notices
Registration of Sex Offenders and Kidnapping Offenders
RCW 13.04.155 - Procedures - Definition - Penalties
Notification to School Principal of Conviction,
Adjudication, or Diversion Agreement - Provision of
Information to Teachers and Other Personnel -
Confidentiality

Family and Educational and Privacy Rights Act of 1994
(20 U.S. Code Section 1232g et.seq)

Art. IX, Section 1, Washington State Constitution

Management Resources:

Policy News, December 2006

Student Sex and Kidnapping Offender Notice
Requirements

Adopted: (WPR)

Arlington School District No. 16

Students

Gang Activity or Association

~~The Board of Directors will endeavor to provide a safe educational environment free of unnecessary disruption and intimidation for all students. A balance will be maintained between basic student rights and freedoms and the need to limit the expression of those rights and freedoms to the extent necessary to ensure the safety of students and faculty and to preserve an appropriate educational environment for students.~~

~~Persons joined together to promote or participate in illegal activities may cause substantial disruption of the educational process and injury and/or intimidation of students and staff. The existence of groups of persons formed for the promotion of illegal activity on school property or at school activities or events is a violation of district policy. The use of colors, insignia, dress, or symbols either of tangible personal property, a distinctive form of grooming, or a manner of dress to create a reasonable belief by a student or staff members that a student is a member of a group of persons that promotes illegal activity and/or has the purpose of promoting racial bias is disruptive to the educational process and is, therefore, prohibited.~~

~~Any person or persons who act in such way as to initiate, advocate, or promote activities which threaten the safety or well being of persons or property on school grounds, or which disrupt the school environment, will be subject to disciplinary action consistent with school district disciplinary policies and regulations.~~

Adoption Date: _____ March 23, 1992