



## Performance Audit

# Ensuring Notification to Schools and Districts of Student Criminal Offenses

May 7, 2018

Educators need information about students who have committed crimes to put supports in place to ensure those students succeed and to put safeguards in place to keep students and staff from harm. Washington has a number of laws to direct the flow of information about student criminal offenses. This information comes to schools and districts from courts, law enforcement and state agencies.

While the audit identified gaps and breakdowns in notification processes, the government entities that notify schools and school districts want to work with education associations to resolve these issues. Rather than waiting for a published report, audited entities chose to act immediately on a number of the issues identified by the audit; improvements include better documentation, guidance, training and monitoring.

However, some statutory changes might also improve the system. To facilitate solutions, the Auditor's Office convened a work group of stakeholders to begin addressing issues. The Office recommends the Legislature formalize this stakeholder work group to continue seeking solutions that may include statutory changes.



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# Executive Summary

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Students, teachers and school employees need to feel and be safe in school. Educators need enough information about students who have committed crimes to keep other students and school personnel safe when the student returns to class, and to ensure the returning student has the supports he or she needs to succeed. Washington has a number of laws to direct the flow of information about student criminal offenses, from courts and state agencies down to appropriate school personnel.

Accurate and effective notifications about student criminal offenses rely on an uninterrupted flow of information, clear verifications and documentation, and trained staff. Overall, the state's current notification processes are complex and can break down at many points. Because the information flow could fail at any stage of the process following a student's criminal conviction or adjudication, risk of harm to other students, educators and school personnel increases with just a single failure and makes public agencies vulnerable to legal liability.

This audit, the first of two on this topic, examined whether courts and state agencies notified K-12 schools and districts of offenses committed by students as prescribed by law, and whether there are opportunities to improve the notification processes. A second audit will review notification processes within and between schools and districts.

## The audit focused on the agencies that notify schools and districts

### Senders of notifications



### Recipients of notifications



## While the audit identified gaps and breakdowns in required notifications, government entities want to work with education associations to resolve the issues

Every notification process has two parts – senders and recipients. In Washington, senders include courts, state agencies and county sheriffs; the recipients are school principals and school districts. The audit team reviewed notification processes by the government entities and contacted school districts to learn more about their experience as recipients. The team did not contact school principals to learn about their experience.

## **Most courts in the audit could not demonstrate they sent all required notifications; as a result of the audit, courts are improving documentation, training and monitoring**

The law requires courts to notify school principals directly when a student is convicted, adjudicated or enters into a diversion agreement. The audit identified more than 330 types of offenses that require courts to contact school principals; these offenses require an estimated 10,000 individual contacts annually. The audit reviewed processes in a sample of 10 of the state's 32 judicial districts and found that two courts did not keep any records of sent notifications. State law does not require courts to retain this documentation. Total verifications for the other eight could not show they had notified a school principal in about half of the instances when notification was required.

Aside from the sheer volume of required notifications, other contributors to missed notifications included insufficient training, differing statutory interpretations and lack of monitoring. As a result of the audit, courts in our sample and the Administrative Office of the Courts have committed to a number of improvements, including training and support to staff, additional monitoring, and providing courts with a complete list of offenses that require notification to schools.

Statutory changes could also help simplify the notification process for courts by reducing the number of offenses that require notification. The state's Association of Juvenile Court Administrators has agreed to work with associations representing school directors and principals to determine whether they can agree on a subset of the 330 offenses that may not rise to the level of a public safety risk requiring notification. The same stakeholders agreed that the process could be streamlined if courts notified the appropriate school district, rather than specific school principals.

## **State agencies notifying districts prior to a student's release from custody missed some notifications; however, many process issues have been resolved**

Two state agencies – the Department of Corrections (Corrections) and the Department of Social and Health Services Juvenile Rehabilitation program (Juvenile Rehabilitation) – must notify school districts before they release specific individuals from their confinement. While the audit found that agencies sent most of the required notifications during the evaluation year, Corrections did not send 10 percent (14 of the population of 145) and Juvenile Rehabilitation did not send 4 percent (three out of a sample of 68). Both agencies have already taken steps toward improvement, including changing how necessary information reaches staff who send notifications and better guidance for staff about when notifications must be sent. Both agencies have committed to better internal monitoring.

The Legislature could make changes to help streamline the process, by eliminating notifications to districts and schools when the released individual is unlikely to attend. For example, Corrections is currently required to notify districts about individuals who have already obtained a high school diploma or equivalent. Juvenile Rehabilitation must currently notify every private school within the district where the juvenile will be released, instead of only the private school the juvenile plans to attend, if any. In some cases, this requirement means Juvenile Rehabilitation sends notifications to almost 100 private schools for a single release.

## **Sheriff’s offices struggled to identify processes for consistently notifying both schools and districts; their association responded by providing information to clarify requirements**

Someone who has sexually offended must register with the local sheriff and self-report his or her intention to enroll in school. The sheriff is then responsible for notifying local schools and districts. While these students are rare, employees interviewed at three-fourths (14 of 19 jurisdictions) of the sheriff’s offices did not describe a process for consistently notifying both schools and school districts, as required by law. As a result of the audit, the Washington Association of Sheriffs and Police Chiefs provided information clarifying the notification requirements to the staff responsible for notifying schools and districts.

## **State agencies and education associations want to work together on a number of changes that will help ensure notifications reach their intended recipients**

In addition to verifying if agencies sent notifications, the audit team contacted school district officials to determine if they could confirm receiving them. School districts could confirm receipt of less than one-third of notifications sent by Corrections and less than three-fourths of notifications sent by Juvenile Rehabilitation, even though the audit team could verify agencies had sent them. The audit identified several problems that likely contributed to this issue, and the solution will require improvements at both ends of the process. To increase the likelihood districts can confirm receiving notifications, Corrections has committed to sending them by certified mail, which is more than state law requires. Juvenile Rehabilitation is analyzing the same possibility.

At the district level, the Office of Superintendent of Public Instruction (OSPI) and the association representing school directors have agreed to provide training to help district staff identify and retain notifications. Because districts experience high turnover in personnel, OSPI has suggested requiring each district to identify a single designated contact to receive notifications. OSPI has also agreed to provide relevant and accurate student, school and district information to notifying agencies and courts upon request.

## **OSPI has offered to convene stakeholders to work toward automating notification processes**

The Auditor’s Office brought stakeholders together to discuss a coordinated approach to resolve issues. Some improvements are already under way, and the group wants to work together to resolve the rest. One longer-term, comprehensive solution to many of the issues found in the audit lies in automating notifications. Because OSPI has existing data systems that could serve as the foundation for such a system, management has offered to work with stakeholders to discuss the requirements and cost of automating the notifications. OSPI is willing to create an automated notification system, building on its existing information systems, if the Legislature fully funds the system and OSPI’s responsibility is limited to conveying the notifications from senders to recipients.

### **Three education associations contributed suggestions**

Association of Washington School Principals  
Washington Association of School Administrators  
Washington State School Directors’ Association

## Recommendations

The audit found a number of ways notification processes can break down and significant opportunities for improving the flow of information about students who have committed criminal offenses. Audited entities and K-12 stakeholders have already taken steps to close the gaps identified through the audit work (see the upper sidebar).

To provide stakeholders time to resolve the remaining issues and come to agreement on proposed statutory changes, the Office of the Washington State Auditor recommends the Legislature establish a work group to include the Office of Superintendent of Public Instruction, the Administrative Office of the Courts, Corrections, Juvenile Rehabilitation, and education associations.

### We recommend the Legislature:

Formalize the work group of stakeholders that began meeting during the audit, to provide stakeholders time to resolve the remaining issues identified in the audit – which transcend any one entity – and come to agreement on proposed statutory changes.

Issues to be addressed by the work group should include:

- Establish a process to ensure courts, Corrections, Juvenile Rehabilitation and sheriffs have access to accurate district, school and enrollment information as necessary
- Assign a single point of contact at each school district to receive all notifications, along with back-ups in case the primary contact is absent
- Assemble a proposal and a budget to develop and maintain an automated notification system
- Continue to improve guidance, training and monitoring
- Consider potential statutory changes to:
  - Limit notification requirements upon conviction, adjudication or diversion agreements to offenses that pose a public safety risk or might impact services provided to students
  - Require courts to notify designated contacts at districts, rather than school principals
  - Eliminate notifications for individuals that have received high school diplomas or the equivalent and individuals in partial confinement, as well as notifications to private schools when it is known the juvenile will not be attending that school

### Government organizations have already implemented many improvements that we would have recommended

- The Administrative Office of the Courts, the Washington Association of Juvenile Court Administrators and individual courts are improving training and guidance.
- Courts that did not retain documentation report they will in the future.
- Corrections improved how information reaches staff and now notifies via certified mail.
- Corrections started notifying before release instead of at admission.
- Juvenile Rehabilitation improved guidance and is analyzing the feasibility of notifying by certified mail.
- The Washington Association of Sheriffs and Police Chiefs provided local law enforcement information clarifying school notification requirements.

### Agencies recommended for participation in the work group

The Office of the Governor  
Administrative Office of the Courts  
Association of Washington School Principals  
Association of Washington Superior Court Administrators  
Department of Corrections  
Department of Social & Health Services – Juvenile Rehabilitation  
Office of Superintendent of Public Instruction  
Washington Association of Juvenile Court Administrators  
Washington Association of School Administrators  
Washington Association of Sheriffs & Police Chiefs  
Washington Federation of Independent Schools  
Washington State Association of Prosecuting Attorneys  
Washington State Legislature staff  
Washington State School Directors' Association

# Introduction

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Educators need to know if students have committed criminal offenses so they can put supports in place to ensure those students succeed, as well as safeguards to protect all students and staff. For example, districts report schools may make arrangements to separate an older student from younger students during lunch periods or arrange a weekly check-in with a trusted adult. In other situations, districts might provide additional staff so students have extra supervision and support.

Washington law requires state agencies, courts and county sheriffs to notify schools and districts when students are found guilty, enter into diversion agreements, or are released from custody for specific offenses. However, these processes are complex, which increases the risk of missed notifications.

## School notification processes can break down in many ways

Two state agencies and 11 state facilities serving juveniles notify 295 school districts, while dozens of courts and county sheriffs notify thousands of schools. More than 100 people across the state make determinations about whether notification is required, at times with different interpretations of complex statutory requirements.

Notification processes can break down in many ways. Notifications might not be sent, might not be received or might not reach the right recipients. Inappropriate disclosure of criminal history information could lead to stigmatization and limit a student's access to education, increasing the likelihood to re-offend.

## Breakdowns can result in significant harm to students and liability for courts and agencies

Failed notifications might expose students and staff to harm, and expose school districts, state agencies or courts to the risk of lawsuits. Washington's media has reported several instances of serious consequences when notification processes failed. These examples related to processes within districts and between schools that we did not examine in this audit but will examine in a follow-up audit. As a result of similar incidents, the Legislature required the Department of Corrections to notify school districts when releasing an individual who committed violent, sexual or stalking offenses, and also required county sheriffs to notify schools and districts whenever someone who has sexually offended reports an intent to enroll in school.

Breakdowns in notification processes have also led to lawsuits against school districts. One school district has been involved in more than three years of litigation for a case that eventually reached the Washington Supreme Court. Another district paid more than \$1 million in two lawsuits because breakdowns in notification processes and supervision resulted in a student with a known history of sexual assault molesting other students.

In addition, the juvenile court for one judicial district in the audit reported being sued by a school district that inaccurately claimed the court did not send a required notification. The court's probation officer had notified the school, and the court was able to settle the issue through mediation because it had documentation showing it notified the school district.

This audit was designed to answer the following questions:

Were K-12 schools and districts notified of offenses committed by students as prescribed by law? If not, are there opportunities to improve the notification processes?

### When notifications occur as intended, schools can take steps to keep students safe

In a pilot project in Pima County, Arizona, a juvenile court notified a local high school that a student would be leaving detention related to a serious assault against a classmate, and would be back to school the next day. Because school administrators received the notification, they were able to immediately develop a safety plan and adjust the schedules of the two students to ensure they did not share classrooms, buses or lunch hours.

# Background

## The Legislature has passed bills to ensure schools and districts know about student criminal offenses

Over the past two decades, the Legislature has passed various bills requiring state agencies, courts and county sheriffs to notify schools and districts when students are released from custody, are found guilty, or enter into diversion agreements for specific offenses. Their responsibilities are outlined below; **Appendix C** also contains excerpts of all notification requirements; it includes those within districts and between schools, which will be reviewed in a follow-up audit.

The number of notifications these government entities must send annually varies considerably, from well under 200 to more than 10,000, as shown in **Exhibit 1**. The impact of their current responsibilities also varies. For example, the Department of Corrections (Corrections), courts and sheriffs notify public schools and/or districts, while Department of Social and Health Services – Juvenile Rehabilitation (Juvenile Rehabilitation) must also notify private schools. In some areas of the state, this means that Juvenile Rehabilitation must mail almost 100 letters to private schools for a single notification.

## Courts notify school principals upon conviction, adjudication or diversion agreements for a long list of offenses

Since 1997, state law has required courts to notify school principals when minors who are enrolled in public schools are found guilty or enter into diversion agreements for a long list of crimes, as part of a larger effort to ensure classroom safety for students and staff. Adult courts must notify principals upon conviction. Juvenile courts must notify principals upon adjudication, which is the juvenile court equivalent of conviction. Juvenile courts must also notify principals when enrolled minors enter into diversion agreements, which are voluntary contracts between students and courts with specific requirements the students must meet to resolve a situation outside of court.

## Juvenile Rehabilitation and Corrections notify school districts before an individual is released

Since 1995, state law has required Juvenile Rehabilitation to notify the school district and all private schools in the area where the juvenile will live when it releases someone younger than 21 from custody. Juvenile Rehabilitation must notify when a juvenile is discharged, paroled or transferred to a community residential facility, or receives any other authorized leave or release. Educators wanted information to ensure the best placement, support and supervision for students.

In 2011, the Legislature passed SB 5428, which required Corrections to notify school districts when releasing or transitioning to partial confinement anyone younger than 22 who has committed violent, sexual or stalking offenses, so schools would also know when students have been released from adult jurisdictions.

**Exhibit 1 – Estimated annual notifications sent to public schools and districts**

Responsible agency	Approximate range
Courts	9,500 – 10,500
Juvenile Rehabilitation	750 – 850
Corrections	130 – 160
Sheriffs	80 – 140

Source: Auditor analysis of fiscal year 2016 data provided by agencies, except Sheriffs, which is FY 2017 data.



However, unlike Juvenile Rehabilitation, Corrections must notify the *last* school district the individual attended in Washington. That district is expected to share the information with the *next* district the individual enrolls in after release, if the individual pursues further education.

In addition to notifying school districts, both agencies must notify local law enforcement before releasing an individual who has committed specific offenses. Juvenile Rehabilitation notifies local law enforcement when releasing a juvenile who has committed a violent or sexual offense. Corrections' End of Sentence Review Committee notifies local law enforcement only if an individual must register as a sex offender.

All required notifications for anyone who must register as a sex offender are completed by email with supplemental information entered into Offender Watch, an electronic notification and registration program used by thousands of agencies nationwide. Juvenile Rehabilitation, Corrections, sheriff's offices and local police departments may access the Offender Watch system for the purposes of sex offender registration and notification.

### County sheriffs notify the school principal and the school district when someone who has committed a sexual offense reports the intent to enroll in school

In 2011, responding to an incident in which a student was sexually assaulted by another student who was a registered sex offender, the Legislature passed SSB 5203. The law requires anyone who must register as a sex offender to notify the county sheriff before enrolling in a public or private school. The county sheriff then must notify both the school district and the principal of the student's chosen school as part of the sex offender registration and monitoring process.

Exhibit 2 summarizes the notification responsibilities of state and local government organizations.

#### Exhibit 2 – Many organizations must notify schools and school districts of student criminal offenses

Responsible organization	When to notify	Who to notify		
		Public schools	Private schools	School districts
Adult and juvenile courts	Upon conviction, adjudication or diversion agreements for a long list of offenses	Yes	No	No
Department of Corrections	Before release or transfers to lower levels of confinement if younger than 22 (violent, sexual or stalking offenses only)	No	No	Yes
Department of Social and Health Services – Juvenile Rehabilitation	Before release or transfers to lower levels of custody	No	Yes	Yes
County sheriffs	When a person required to register as a sex offender self-reports an intent to enroll in a school	Yes	Yes	Yes

## **The requirements, passed over more than 20 years, contain gaps and inconsistencies**

The Legislature passed these bills over more than 20 years, within different contexts and different authorizing environments. As a result, there are gaps and inconsistencies within notification requirements. For example, Juvenile Rehabilitation notifies for individuals younger than 21 and Corrections notifies for individuals younger than 22. By contrast, courts only notify for minors, even though someone could easily be 18 or 19 and still attend high school. It is also possible to attend high school at the age of 20 or 21. Also, courts notify individual principals, while state agencies notify school districts. In addition, some notification requirements are expansive, while others are limited. For example, courts must notify for a long list of offenses and Juvenile Rehabilitation notifies for everyone who leaves their facilities, while Corrections only notifies for the most serious offenses.

# Scope and Methodology

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Using data for fiscal year 2016, this audit determined if state agencies, courts and county sheriffs notified schools and districts of student criminal offenses as state law requires.

## Notification processes

We reviewed laws requiring state and local agencies to notify schools and districts of student criminal offenses, then met with staff at the agencies to understand how they interpret and carry out these responsibilities. We sought advice from the Attorney General's Office when clarification was needed. We also met with education stakeholders for their input on potential process improvements.

## Sent notifications

To verify if courts sent notifications as required, we selected a sample of 10 judicial districts, then for each judicial district selected a sample of offenses that would require notification. We then asked the courts for documentation they notified principals or the reason why notification was not required.

To verify if Corrections sent notifications as required, the agency provided a list of everyone younger than 22 released during the audit period. The audit team checked the offenses they committed to see if Corrections needed to notify school districts. We then obtained records of notifications Corrections sent to districts and law enforcement. We compared the notification records with the list of everyone whose offenses required notification to determine if Corrections sent all required notifications.

To verify if Juvenile Rehabilitation sent notifications as required, we selected a sample of juveniles released during the audit period and obtained copies of the notifications Juvenile Rehabilitation sent to school districts and law enforcement. We compared these notifications to release and transition records to determine if Juvenile Rehabilitation sent all required notifications.

To verify if county sheriffs sent notifications as required, we traced the notifications Corrections and Juvenile Rehabilitation sent to county sheriffs, then asked sheriff's office staff if they received the notifications and if anyone from the sample indicated intent to enroll in a school. If anyone reported intent to enroll in school, we asked for documentation that the sheriff notified the school and district.

State law does not require these entities to retain documentation or to track notifications after they send them.

## Received notifications

To determine whether school districts could confirm they had received notifications from Corrections and Juvenile Rehabilitation, we called the districts that should have received the notifications in our samples from both Corrections and Juvenile Rehabilitation, and asked the district officials responsible for receiving notifications of student criminal offenses if they could confirm receipt. We also asked district officials what they do when they receive a notification, how they assign responsibility for documenting notifications and disseminating the information, and for their suggestions to improve notification processes.

The audit did not contact principals to determine if they could confirm they had received notifications from the courts. In addition, the audit did not pursue notifications past whether or not districts could confirm receipt. A future audit will review notification processes within and between schools and districts.

### **Audit performed to standards**

We conducted this performance audit under the authority of state law (RCW 43.09.470), approved as Initiative 900 by Washington voters in 2005, and in accordance with Generally Accepted Government Auditing standards (December 2011 revision) issued by the U.S. Government Accountability Office. Those standards require that we plan and perform the audit to obtain sufficient, appropriate evidence to provide a reasonable basis for our findings and conclusions based on our audit objectives. We believe that the evidence obtained provides a reasonable basis for our findings and conclusions based on our audit objectives. See **Appendix A**, which addresses the I-900 areas covered in the audit. **Appendix B** contains more information about our methodology.

### **Next steps**

Our performance audits of state programs and services are reviewed by the Joint Legislative Audit and Review Committee (JLARC) and/or by other legislative committees whose members wish to consider findings and recommendations on specific topics. Representatives of the State Auditor's Office will review this audit with JLARC's Initiative 900 Subcommittee in Olympia. The public will have the opportunity to comment at this hearing. Please check the JLARC website for the exact date, time, and location ([www.leg.wa.gov/JLARC](http://www.leg.wa.gov/JLARC)). The State Auditor's Office conducts periodic follow-up evaluations to assess the status of recommendations and may conduct follow-up audits at its discretion.

# Audit Results

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## **While the audit identified gaps and breakdowns in required notifications, government entities want to work with education associations to resolve the issues**

Every notification process has two parts – senders and recipients. In Washington, senders include courts, state agencies and county sheriffs; the recipients are schools and school districts. The audit team reviewed government entities’ notification processes and contacted school districts to learn more about their experience as recipients. Rather than waiting for a published report, audited agencies chose to act on the identified issues that were within their control. However, some statutory changes might be required to improve the system.

In addition to the work of individual organizations, the Office of the Washington State Auditor convened a work group of stakeholders – including senders and recipients – to facilitate finding a coordinated approach to resolving problems the audit identified. The Office recommends the Legislature formalize this stakeholder work group. Moving forward, the work group will coordinate efforts across agencies to follow up on audit recommendations and identify beneficial changes to state law.

This report is divided into three sections.

- **Section 1** reviews processes for notifying schools and districts; it begins with courts, which send the most notifications, followed by two state agencies, and finally to county sheriffs.
- **Section 2** examines the experience of the school districts that receive notifications from state agencies and discusses improvements senders and recipients can make to ensure notifications reach intended recipients.
- **Section 3** discusses the possibility of automating notification processes by building on Office of Superintendent of Public Instruction (OSPI) information systems.

All the courts provided the requested information, but due to audit timing constraints and the difficulty of obtaining contact information for dozens of principals, the audit team did not contact principals to confirm they received court notifications. Instead, a follow-up audit will evaluate notification processes within districts and between schools, which will include the principals’ experience.

## Section 1: Processes for notifying schools and districts

### Most courts in the audit could not demonstrate they sent all required notifications; as a result of the audit, courts are improving documentation, training and monitoring

Courts must notify public school principals if a student enters into a diversion agreement or is found guilty of any crime in a list of specific offenses. The audit reviewed processes in a sample of 10 of the state's 32 judicial districts and found that two courts did not keep any records of sent notifications. Total verifications for the other eight could not show they had notified a school principal in about half of the instances when notification was required.

These problems resulted from a number of factors, including insufficient staff training, a lack of monitoring, and inconsistent statutory interpretations. The Administrative Office of the Courts and the Washington Association of Juvenile Court Administrators are working with courts to improve training and guidance. Some courts are improving monitoring, although additional monitoring is needed. Finally, changes to statutory requirements might help courts improve notification processes.

### Not all courts in the audit retained documentation to demonstrate notifying principals; those that did not, say they are now

Two large juvenile courts did not retain any documentation to demonstrate notifying principals. Courts are not required to retain these records. However, in response to the audit, the two courts that did not retain any documentation report they will retain records in the future. One of these two courts started sending notifications for sexual and violent offenses via certified mail. For all other offenses, this court has staff sign a form attesting that they sent the notification and place a copy of the attestation in the student's file.

While courts are not required to retain documentation, it is beneficial to do so. One juvenile court in the audit reported it was sued by a school district claiming the court did not send a required notification, but the court was able to settle the issue through mediation because it had documentation showing it had notified the school district.

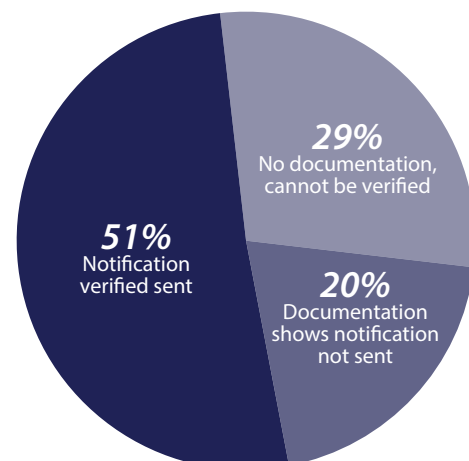
The audit team did not include the courts that did not retain documentation in the aggregated results that follow because there was no evidence they completed any notifications. Exhibit 3 shows the proportion of notifications that could and could not be verified.

### Courts with documentation could not demonstrate notifying a principal about half of the time

Some of the eight juvenile courts that retained documentation could not demonstrate they had sent specific notifications. In three of these courts, about half the required notifications had no documentation to verify that they were sent. In one court, an employee said he relied on frequent in-person interactions to notify principals, and did not see a need to keep records. While this practice would meet the court's statutory requirement to notify principals, it also results in risk and potential liability

Washington has 32 judicial districts, which commonly follow county lines. Some county courts combine to form a multi-county judicial district to share staffing and resources. Usually, each district has one juvenile court, and at least one adult court. The audit looked at processes in adult and juvenile courts in 10 judicial districts.

Exhibit 3 – Overall, half the notifications could be verified as sent



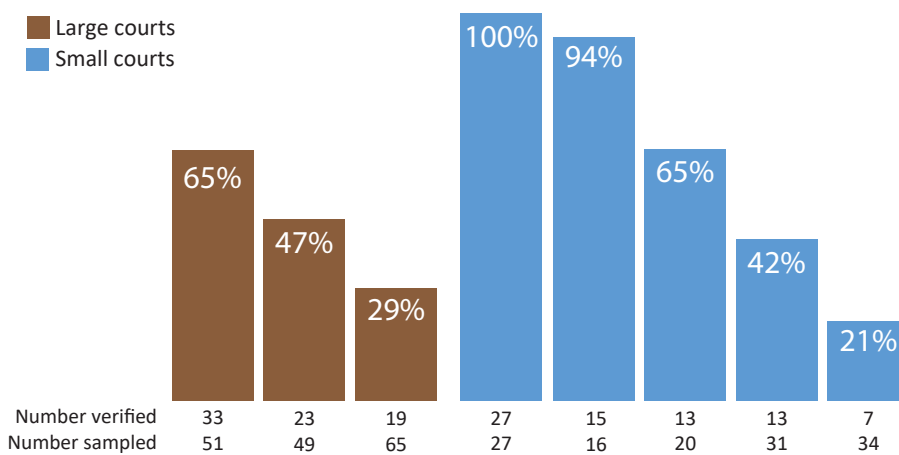
for the court if an incident occurs and the principal claims notification never occurred. In the other two courts, staff did not consistently follow their court’s internal practices, which included documenting when they notified principals.

Furthermore, although these eight juvenile courts retained some records demonstrating they sent notifications, these records show overall the courts did not notify the principals 20 percent of the time (59 out of 293 required notifications).

For both of these reasons, the audit could not verify that the eight courts sent roughly half of the required notifications (143 of 293 could not be verified).

**Exhibit 4** shows the variance in how often the audit could verify notifications at these eight courts: between 20 percent and 100 percent of notifications the audit expected to find were documented in court records. Some of these notifications may have been sent; however, the evidence needed to confirm this was lacking.

**Exhibit 4 – Verification rates varied widely from court to court**



Source: Auditor analysis of court records compared to data from the Superior Court Management Information System and Juvenile and Corrections System for fiscal year 2016.

**Some juvenile courts lacked sufficient training and clear guidance; the courts, their association and the Administrative Office of the Courts are improving both statewide**

A lack of training and guidance contributed to missed notifications. Some court staff need better training, and courts across the state need more consistent guidance.

Some court staff did not understand notification requirements well enough to carry out their responsibilities:

- One large court traced many missing notifications to two employees who did not understand the requirements.
- Two other courts established processes that made probation counselors responsible for notifying principals. This created a gap in both courts because the probation counselors did not always notify principals for subsequent offenses when the students were already on probation. One court administrator said the counselors might have assumed that the purpose of the notification was to establish an initial contact between the probation counselor and the school.

- Another court relied on volunteers on the Community Accountability Board to complete notifications for diversion agreements. This is not a typical responsibility of a Community Accountability Board, and the board for that court incorrectly identified cases as not requiring notification more often than it sent notifications, indicating it had an incorrect or incomplete understanding of the requirements.

These courts have committed to providing better training to staff, probation counselors and volunteers serving on the Board.

There is also limited guidance for courts statewide to make sure court employees understand notification requirements and establish processes that meet them. Courts must notify principals for more than 330 types of offenses, with statutory requirements that point to other laws. Some courts told the audit team they simply notify for all offenses because the requirements are so complex.

The Administrative Office of the Courts maintains a list of offenses that require notification. This list is part of an automated report that courts can use to identify students who committed offenses requiring notification. However, the audit found the underlying list of offenses did not include all crimes that require notification and contained offenses that do not require notification. Some courts used this report to notify principals, but without an accurate underlying list, the report will not correctly identify all students requiring notification, and could incorrectly identify students who do not require notification.

The Administrative Office of the Courts has committed to updating the list of offenses to ensure it is accurate and includes all offenses for which courts must notify principals. This will improve the report's accuracy and give courts a list of the offenses to check against when a student is convicted or adjudicated, or enters into a diversion agreement. Statewide, the Washington Association of Juvenile Court Administrators has engaged in detailed conversations with its members to improve processes, and has committed to finding ways to provide courts with better guidance and training.

***Different statutory interpretations led some courts to not notify for minors sentenced to custody, with an understanding the student would no longer be enrolled in a local school***

Courts had different understandings of what to do when students were convicted or adjudicated and then sentenced to a term in custody. The audit found inconsistent practices between juvenile courts: Some courts notified principals, while others did not. The audit also found adult courts did not have policies or processes for minors tried as adults, in part because these minors are typically sentenced to custody. Statewide, 9 percent of missing notifications were due to courts not notifying for minors who might have been enrolled in school at the time of conviction or adjudication, and were then sentenced to a term in custody.

Staff at some juvenile courts said they thought notification was not required if the student would serve a term in custody, because the student would not be in the community. When consulted, the Attorney General's Office concluded that the court must notify the school where the student is enrolled at the time of adjudication. Therefore, even if the student is sentenced to a term of confinement and will no longer be attending the previous school, the court still must notify the school's principal at the time of the student's adjudication.



No adult court in the sample reported ever notifying a principal for a minor tried in adult court. These cases are rare and comprise a tiny portion of an adult criminal court's caseload. For this reason, adult courts did not have processes in place either to identify defendants subject to the requirement or to notify principals if necessary. Additionally, some adult courts took a position analogous to that taken by some juvenile courts: all minors convicted in their courts would be sentenced to serve prison time and would not be returning to school, so notifying the principals would serve no purpose.

In response to the audit, juvenile courts indicated they need clarification and guidance on which school to notify in these circumstances – the school the student attended in the community, or the school the student will attend while in custody. In addition, one juvenile court reported that it would begin notifying principals when a student is adjudicated and sentenced to custody. Some adult courts indicated they would establish a process to notify principals when a student is convicted while enrolled in a public school.

### **Without monitoring, courts cannot identify when notification processes break down; statewide monitoring options could help**

Missed notifications were not caught due to a lack of monitoring by individual courts. For example, in one court, volunteers on the Community Accountability Board identified whether the court needed to notify principals for diversion agreements. As discussed previously, these volunteers often did not correctly identify whether a notification was required. This problem remained undetected until the audit because the court did not monitor the volunteers. This issue has been resolved in this court, as staff now independently check the Community Accountability Board's work for accuracy.

In addition to the lack of monitoring by some local courts, no agency or organization is monitoring statewide. However, there are systems in place that could possibly facilitate either local or statewide monitoring. For example, the automated report referenced previously that identifies if a student's offense requires notification could serve as a statewide or local monitoring tool, if the list of offense categories is updated for completeness and accuracy.

### **Statutory changes might help courts improve notification processes**

The audit team estimates that about 10,000 minors annually are convicted, adjudicated or sign a diversion agreement for an offense that requires notification. The complete list of offenses that require courts to notify principals includes more than 330 offense categories, ranging from minor misdemeanors to serious felonies.

Large courts also face an issue of scale. Small courts that have few public schools in their jurisdictions were the most effective at completing required notifications. By contrast, large courts, processing many more students, are likely to also have many more schools to notify. For example, King County has more than 200 middle and high schools in 20 school districts; court staff in several locations must individually notify these schools' principals.

Two possible statutory changes could make it easier for courts to fulfill their responsibilities:

- Revising the list of notifiable offenses
- Directing courts to notify school districts instead of principals

The Washington Association of Juvenile Court Administrators and the Administrative Office of the Courts have started ongoing discussions with education associations to identify whether some offenses do not impact public safety and can be removed from the list in RCW 13.04.155. If the law is amended to have the courts notify the school districts rather than school principals, it would follow the pattern already used by Corrections and Juvenile Rehabilitation. The latter change in particular would make the process more manageable for large courts, alleviating the need to notify hundreds of individual schools.

### **State agencies notifying districts prior to a student's release from custody missed some notifications; however, many process issues have been resolved**

Two state agencies notify school districts when releasing individuals from custody: The Department of Corrections (Corrections) and the Department of Social and Health Services – Juvenile Rehabilitation program (Juvenile Rehabilitation). The audit found Corrections did not send 10 percent of required notifications due to incomplete prison admission reports and differing understandings of requirements related to work release. When the audit team informed Corrections of these issues, the agency took immediate action to address them. Juvenile Rehabilitation missed fewer notifications (4 percent), but its management also acted to improve processes.

### **Corrections missed notifications due to incomplete prison admissions reports and issues related to work-release transitions**

During the audit period, Corrections released 379 individuals younger than 22. Of these individuals, 145 committed a violent, sexual or stalking offense that required Corrections to notify the individual's previous school district prior to release. That district is then required by law to share the information with the district where the individual might enroll after release, when the new district requests the student's school records. Corrections did not send 10 percent (14 of the population of 145) of the required school district notifications. For individuals who committed a sexual offense, the agency must also notify local law enforcement; Corrections sent all these required notifications (13 of 13).

Corrections missed notifications for two primary reasons: 1) The agency manager responsible for notifying school districts received incomplete prison admission reports, and 2) Corrections did not notify for individuals who could potentially transition to work release based on a different interpretation of the statute's requirements.

The manager received incomplete prison admission reports because of a confluence of factors. State law requires Corrections to notify school districts at least 30 days before the individual is released. But because release dates can change based on inmates' behavior, and to fulfill its statutory obligations, Corrections management decided to notify districts when an individual is admitted to prison rather than as part of the process of releasing him or her back to the community, based on advice from the Attorney General's Office. Corrections generated an admission list every

month, but because several days can pass after admission before an inmate's information is transferred from paperwork into the agency's computer system, a lag can occur between admission and appearance in the system. The manager responsible for notifying school districts worked from these monthly admissions lists, but at the time there was no process in place to check whether the list was complete or previous lists had missed anyone.

Corrections also did not notify school districts for individuals who transitioned to work release before turning 22. Corrections may grant a work release to an inmate six months before release from total confinement based on many factors, including behavior during the inmate's time in prison. Corrections did not believe it needed to notify for transitions to work release because individuals in work release have not been released from Corrections' confinement and cannot attend school. As with ordinary release dates, dates for work release transitions constantly fluctuate, and all eligible individuals may not transfer to work release due to limited capacity. Corrections noted it is challenging to send the notifications at least 30 days before transitions to work release, as required by law.

### **Corrections immediately implemented additional process improvements to ensure required notifications are sent**

When informed that it had not sent 10 percent of required school district notifications during the audit period, Corrections took immediate action to address the audit concerns.

To ensure necessary information reaches staff responsible for sending notifications, Corrections began pulling data from a three-month period – in addition to monthly – to compensate for any information delays at the end of the month. Also, Corrections reports it has improved its archiving of school district notifications to monitor them more easily.

Corrections and the audit team consulted with the Attorney General's Office, which advised the agency to notify districts for transitions to work release. In response, Corrections reports it has begun notifying school districts seven months prior to potential release dates. This allows the agency to meet statutory requirements to notify districts 30 days prior to any potential transitions to work release, because individuals may only transfer to work release during the last six months before their final release.

### **Although Juvenile Rehabilitation sent almost all required notifications, it also has improved its notification processes**

During the audit period, Juvenile Rehabilitation had in custody about 620 juveniles who were released or made a transition requiring the agency to notify the public school district and all private schools in the district where the juvenile planned to live. (The exact number of juveniles is unknown because of a small number of data entry errors by case managers, who incorrectly coded some transitions to longer sentences with Corrections.) About 60 percent of the 600 had committed a violent, sexual or stalking offense, which require Juvenile Rehabilitation to also notify local law enforcement. The audit used a random sample of 44 juveniles that had committed a violent, sexual or stalking offense to determine if Juvenile Rehabilitation notified school districts and law enforcement as statute requires.

**School district notifications** – These 44 juveniles required 68 different school district notifications because some juveniles were released or transitioned multiple times during the year. The audit verified that Juvenile Rehabilitation did not send 4 percent (3 of 68) of these notifications. Juvenile Rehabilitation staff missed one of the notifications because the juvenile transferred back and forth between an institution and community facility multiple times – staff sent prior notifications and missed one. There was no discernible pattern in the other two missing notifications beyond human error.

**Law enforcement notifications** – The 44 juveniles in the sample fell into two distinct groups: 36 had a violent, sexual, or stalking offense related to their incarceration during the audit period; the other eight had been previously incarcerated for a violent offense, returned to the community, and then returned to custody for different, non-violent offenses.

The 36 juveniles whose violent, sexual or stalking offense was related to the incarceration during the audit period required 50 notifications because some had multiple releases or transitions. Juvenile Rehabilitation did not send 2 percent (1 of 50) of required law enforcement notifications.

For the remaining eight juveniles who had committed violent offenses in the past (but not currently serving time for a violent offense), Juvenile Rehabilitation’s practices around law enforcement notifications were inconsistent. Case managers notified law enforcement for almost half of the releases or transitions for these eight juveniles (eight notifications sent for 18 transitions). Juvenile Rehabilitation’s policy directs case managers to notify law enforcement for juveniles with such histories; however, the automated information generated by the program’s case management system told case managers *not* to notify law enforcement. Many case managers followed the program’s policy instead of the automated information.

We consulted with the Attorney General’s Office, which considered either interpretation to be reasonable, but noted that Juvenile Rehabilitation needs a consistent interpretation. In response, Juvenile Rehabilitation gave staff additional guidance about when notification is required for a juvenile who committed violent offenses in the past. The agency also changed the system’s automated information to reflect program policy.

## **Both state agencies have committed to better monitoring in the future**

Monitoring is essential to determine if processes are functioning as designed. Without monitoring, management has no way of knowing if there are errors or breakdowns that limit a program’s effectiveness.

In the case of school district notifications, neither state agency had centralized oversight or monitoring of their processes. At Corrections, a single manager was responsible for the entire process without external oversight. At Juvenile Rehabilitation, any oversight or monitoring was developed and conducted by the individual facilities.

## **Corrections moved the school notifications process to a unit that handles other notifications**

Because the need for school notifications is rare and the requirements are complicated, Corrections management assigned the task to the Legislative Policy Manager within the Office of Executive Policy and Legislative Affairs.

**Instances are rare** – During fiscal year 2016, Corrections released about 8,000 people; only 145 of them required Corrections to notify a school district (less than 2 percent of all releases). Notifying school districts would be a rare occurrence for correctional officers working with inmates as they prepare for release, and it would be challenging to train hundreds of officers on something they would rarely need to do. Management considers this an important reason to centralize the function, rather than make it part of the normal re-entry process at individual prisons.

**Requirements are complicated** – Definitions for violent, sexual or stalking offenses change frequently and depend on a complicated interaction of several factors, including motivation, felony level and whether the offense was completed or attempted. Corrections reports it tried to automate school notifications when the Legislature passed SB 5428 in 2011, but could not program its information system to identify all of these factors and keep up with frequent statutory changes in how offenses are categorized. The Legislative Policy Manager had the experience to understand the nuances of the sentencing guidelines, and she was willing to take on the responsibility in addition to her other duties.

While these reasons were compelling, there was little visibility, oversight or external monitoring of the process. As a result of the audit, Corrections reassigned its school district notification process to the Victim Services Unit, which handles other types of notifications. Corrections reports it will continue to work toward an automated solution.

## **Juvenile Rehabilitation has taken steps that will allow for centralized monitoring**

At Juvenile Rehabilitation, administrative staff and case managers are responsible for notifying school districts. Some facilities have administrative staff who support case managers, by notifying schools and districts or by tracking release dates and reminding case managers when notifications are due. The notification process varies from facility to facility, and there has been no centralized monitoring or oversight across Juvenile Rehabilitation's 11 facilities.

Centralized monitoring depends on management having access to accurate information, but the audit found some gaps in Juvenile Rehabilitation's records. Case managers usually notify school districts and law enforcement through the department's case management system, which retains copies of sent notifications. However, case managers for juveniles who must register as a sex offender must notify law enforcement through a separate system – Offender Watch – and the two systems do not automatically share information. Case managers did not always upload a copy of the Offender Watch notification to Juvenile Rehabilitation's case management system, so management in Olympia could not see whether notification had occurred.

In response to the audit, Juvenile Rehabilitation amended its policy to instruct case managers to upload copies of notifications sent through Offender Watch to the program's case management system. This allows for better monitoring, and Juvenile Rehabilitation reports it will implement a centralized quality assurance process.

## **Statutory changes might help state agencies improve notification processes**

State agencies have limited resources, which they currently use to notify hundreds of districts and private schools about released individuals who will never attend their institutions. Currently, about half of the individuals released by Corrections have completed high school or its equivalent, a General Equivalency Diploma (GED). Even though these individuals will not attend any public K-12 school, Corrections still must notify the districts.

Furthermore, Juvenile Rehabilitation currently must notify all private schools within the school district where the juvenile plans to live. In some parts of the state, this means notifying almost 100 private schools for a single release or transition even though these schools are rarely part of a juvenile's re-entry plan. The mailings require significant amounts of postage and staff time; Juvenile Rehabilitation also reports these mass mailings result in multiple calls from private schools that mistakenly think the juvenile will be enrolling in the coming weeks.

These requirements were meant to provide for public safety, with a thoroughness that would ensure no one fell through the cracks. However, two statutory changes would help agencies re-direct limited resources:

- Limit notifications from Corrections and Juvenile Rehabilitation to individuals who have not received a high school diploma or GED
- Require Juvenile Rehabilitation to notify only those private schools that are part of a juvenile's re-entry plan

Together these changes would eliminate notifications to schools and districts that individuals will never attend, either because they completed their high school educations, or because the agency knows they will be enrolling elsewhere.

## **Sheriff's offices struggled to identify processes for consistently notifying both schools and districts; their association responded by providing information to clarify requirements**

County sheriffs must notify schools and school districts when someone who is required to register as a sex offender reports an intent to enroll in school. The audit team interviewed staff at 19 sheriff's offices to determine if they received notifications from Corrections and Juvenile Rehabilitation for 21 potential students and to learn about the offices' processes for notifying schools and districts. Many offices reported notification processes that would not meet all legal requirements. Only one person in the sample of 21 reported intent to enroll in school. In that case, the staff member did not send the notification. The Washington Association of Sheriffs and Police Chiefs provided information to clarify notification requirements in response to the audit.

Students might transition from one school to another as they complete their education. A future audit will look for improvements in how schools transfer information regarding student criminal histories to other schools, to ensure subsequent schools have information they need to support and protect students and staff.

## Many sheriff's office employees described processes for notifying schools and districts that would not meet legal requirements

After learning whether sheriff's offices received notifications from the samples for Corrections and Juvenile Rehabilitation, the audit team asked them to describe their processes for notifying schools and districts. Employees interviewed at three-fourths of the sheriff's offices (14 of 19 jurisdictions) did not describe a process for consistently notifying both schools and school districts, as required by law.

Some employees said they were not aware of their responsibilities, while others confused requirements for school notifications with other notification types for registered sex offenders. Other employees did not know they needed to notify both the school and the school district. In another example of a gap in notification processes, staff at two sheriff's offices reported that the local police departments notify schools and districts within city limits. However, when asked, these police departments said they were unaware of such expectations.

### Staff turnover reduced awareness

Sheriff's office employees were unaware of their duties for several reasons, including staff turnover, competing duties, and how rarely someone who committed a sexual offense returns to school.

For example, staff turnover at police departments contributed to gaps in expectations between county sheriffs and local police. The jurisdictions had informal, verbal agreements and when one of the police departments hired a new staff member, he was not made aware of this expectation. The Washington Association of Sheriffs and Police Chiefs reported there is a high turnover rate in law enforcement staff.

Also, in Washington only about 2 percent of all registered sex offenders are younger than 18. While it is possible to attend a public K-12 school as an older student, school notifications are still a small fraction of registered sex offender coordinators' job duties, making them less likely to be familiar with requirements. (See the sidebar for a relevant example identified during the audit.)

### The statewide association for sheriffs and police chiefs provided information to clarify notification requirements and helped offices clarify informal agreements

In response to the issues identified by the audit, the Washington Association of Sheriffs and Police Chiefs reported it provided additional clarification of requirements to staff responsible for notifying schools and school districts when someone who committed a sexual offense indicates intent to enroll in school.

Upon learning from the audit team that police departments were unaware of the expectations that they would notify schools and districts, the association immediately facilitated conversations with law enforcement organizations to inform them of gaps the audit found in their processes. In response, the office for one county sheriff reported providing additional training to the local police department, and moving towards creating a formal agreement. The other county sheriff said it would no longer rely on local police to notify schools and districts. Instead, it would handle the responsibility.

Of the 21 individuals in our sample who committed sexual offenses, only one indicated intent to enroll in a public, K-12 school; the sheriff's office staff did not notify the school and school district about that student.

The employee said the student reported his intended return to school after the sheriff's office had already sent the May notification report to the districts. The employee thought notification would not be necessary in June because of the start of the school summer break. During the summer the student left the area and failed to comply with ongoing registration requirements, so there was no longer a need to notify the school. The deputy noted that school notifications are a very small portion of his work duties and they are rarely needed.

## **Section 2: Experiences of school districts receiving notifications**

### **State agencies and education associations want to work together on a number of changes that will help ensure notifications reach their intended recipients**

The audit team contacted school districts and found officials could not confirm they had received more than 40 percent of the notifications sent by state agencies. The audit found several problems likely contributed to the problem; solutions will require improvements be made by both senders and recipients. Many of these improvements are already under way, with agencies making the changes that are within their control.

### **School district officials could not confirm receiving all required notifications from state agencies**

After verifying notifications were sent, auditors used all the sent notifications from the Juvenile Rehabilitation sample (65 notifications) and selected a sample from Corrections (38 notifications) to confirm receipt. We selected those individuals from Corrections most likely to re-enroll in a K-12 school. To do this, we selected the individuals Corrections identified as not having a high school diploma or equivalent degree, and then selected those who were younger than 21.

To confirm receipt, we called each school district involved and asked if it could confirm receiving the notification (43 school districts). The school districts could not confirm receiving required notifications about one-third of the time for Juvenile Rehabilitation (18 of 65 could not be confirmed) and two-thirds of the time for Corrections (26 of 38 could not be confirmed), even though the audit team could verify agencies had sent them.

### **Practices of both senders and recipients contributed to the inability to confirm receipt**

Two practices of the state agencies contributed to the problems school districts had confirming they received notifications: 1) Using methods to notify district officials that lack receipt confirmation, and 2) Not sending notifications to the best potential recipients.

During the audit period, Juvenile Rehabilitation staff sent notifications via standard mail to school district offices without addressing them to a specific recipient. Corrections sent notifications via email to district superintendents because state law requires the agency to provide notice to the school district board of directors (RCW 72.09.730), and superintendents serve as the secretary for the board. However, while this practice is required by law, the audit team found that other school district personnel are better suited to handle notifications than superintendents.

In addition, Corrections' emails typically used the subject line "Notification per SSB 5428," referencing the original legislation that established the requirement. Superintendents were unlikely to know what SSB 5428 was or immediately recognize it as relevant. Our review showed districts were more likely to confirm receipt of the handful of Corrections' emails with more context in the subject line, such as "Notification of Offender Release."



Further, Corrections notified districts when an individual *entered* a correctional facility. Corrections reports it did this because state law requires it to notify districts no later than 30 days before *release or transition* to partial confinement, and release dates can change on very short notice. By notifying when the person entered its facilities, Corrections complied with the law, but a person could spend months, if not years, in custody before release, so districts received notifications long before they could act on the information.

Practices at individual school districts also affected the likelihood they could confirm receipt, including who was responsible for receiving notifications and how they filed them. The audit team asked district officials who managed notifications after receipt. Most commonly the student services office managed notifications (24 percent), followed by the superintendent's secretarial staff (21 percent) and the superintendent personally (17 percent).

The audit found when superintendents' secretarial staff managed the notifications, district staff were most likely to confirm receiving all of them. When superintendents personally managed notifications, districts struggled to confirm receipt. Possible causes include high turnover rates among superintendents and the many demands on their time. A theme during interviews was that outgoing superintendents did not always leave clear records or files for incoming superintendents. However, state law directs Corrections to notify the school board, which is best accomplished by notifying the superintendent.

Filing practices also might have influenced districts' ability to confirm receipt. The most common practice was to retain hard copies of the notifications in a file at the district office. One district reported routinely adding the notification to a student's permanent file. Others did not retain notifications at all, but forwarded them to schools. Five districts reported they developed ways to tie information from a notification to their enrollment systems, so in the future staff would know if the student enrolled in school. In contrast, another district reported it considered a similar arrangement but its legal department advised against doing so due to concerns about student privacy and over-sharing sensitive information.

### **Corrections and Juvenile Rehabilitation have taken steps to confirm districts received notifications**

In response to the audit, Corrections and Juvenile Rehabilitation made several changes to increase the likelihood that districts can confirm receiving future notifications. Corrections reports it will begin notifying districts seven months before potential release, to better meet the districts' needs. Based on audit recommendations, Corrections changed the subject line of its emails to provide additional context and make them more recognizable. Corrections now uses "Notification of Youth Offender Release" as the subject line for all of its emailed notifications.

Corrections also reported it would send a copy of the notification via certified mail to better ensure districts receive them and to have a record of receipt. Juvenile Rehabilitation has also committed to analyzing the possibility of notifying school districts via certified mail.

## **School districts can make improvements to their practices as recipients of notifications**

The Office of Superintendent of Public Instruction (OSPI) and multiple education associations identified improvements districts can make to ensure they receive notifications.

For example, school districts might designate recipients in the Education Data System, OSPI's secure, centralized system for data such as school staffing and student enrollment. All school districts use the Education Data System to access their state and federal funding, and already identify contacts for various programs and initiatives, such as the district's business manager, special education director and homelessness liaison. If all districts identified a designated notification recipient in the Education Data System, then they would have the flexibility to decide who should receive notifications based on their needs and preferences. Ideally, districts would also identify one or two backup contacts in case the primary contact is absent or changes during the school year. Districts could do this voluntarily or be compelled to through legislation or rule making. State agencies and courts do not have access to the Education Data System; however, OSPI is willing to provide notifying agencies a list of contacts, as identified by districts.

OSPI currently encourages districts to update their contacts in the Education Data System annually, but does not enforce this. Data managers at OSPI suggested it would be possible to clear the districts' contact information each year, so that districts would update their contacts on at least an annual basis as part of receiving state and federal funding.

OSPI and the education associations also offered to train districts on what to do with notifications they receive. School administrators must make difficult decisions about who needs to know sensitive information, and have legitimate privacy concerns about sharing too much information; however, they also face a risk of lawsuits when they do not share enough. OSPI and the education associations offered to provide training and guidance so staff know how to respond when they receive notifications. They noted that requiring school districts to use the Education Data System to designate recipients for notifications will also provide a list of who – at a minimum – needs to receive this training.

## **OSPI will serve as a resource to ensure notifying agencies have accurate information about schools and students**

During the audit period, Corrections sent notifications to the superintendents' email addresses, as listed on school districts' websites, while Juvenile Rehabilitation simply mailed them to the school district headquarters without a specific recipient. Neither agency had easy access to more accurate contact information.

While information is constantly changing, OSPI maintains a list of the most current contact information for principals and superintendents, and is willing to share it with notifying agencies. If districts use the Education Data System to identify notification recipients, OSPI is also willing to regularly update and share this list with the notifying entities. Better contact information for specified recipients is likely to result in more school districts being able to confirm they received notifications.

### **Three education associations contributed suggestions**

Association of Washington School Principals

Washington Association of School Administrators

Washington State School Directors' Association

## **OSPI has information courts need about schools and students**

### **Court staff need to know which schools meet the statutory definition of common schools**

Court staff said they need authoritative information on which schools meet the statutory definition of “common schools” (see the sidebar), and guidance on what to do when schools do not have principals. For example, court staff were unsure if vocational and technical programs that offer GEDs are common schools. Courts also had questions about notifying tribal schools, which do not always have principals. In one instance, tribal elders were responsible for the school, and court staff did not know if it would be appropriate to notify them.

OSPI responded to these concerns by providing a web-link to an authoritative list of common schools in Washington (available online at: [k12.wa.us/maps/SDmainmap.aspx](https://k12.wa.us/maps/SDmainmap.aspx)).

### **Courts need an easy and reliable way to know if a minor is enrolled in a common school**

The staff handling diversion agreements at one court reported they took minors at their word regarding homeschooling or enrollment in an alternative program because they had no way to confirm if the minor was or was not enrolled in a public school. However, families who do not want involvement with the court to be shared with a school principal do not have an incentive to provide accurate information. Court staff said it would be helpful to have an easy way to check public school enrollment for minors who are convicted or adjudicated, or enter into a diversion agreement.

OSPI has detailed information for any student enrolled in public K-12 schools, and is willing to work with courts to provide a secure and reliable way to know if a specific minor is enrolled in a public school.

By law, courts must notify principals at common schools. The law defines “common schools” as public schools with a program from kindergarten through the 12th grade. While this requirement seems straightforward, many students with court involvement pursue education through less traditional settings, which might not neatly fit in a specific category or definition.

## **Section 3 – Automation by building on OSPI information systems**

### **OSPI has offered to convene stakeholders to work toward automating notification processes**

The previous sections of this report described efforts under way with existing resources. However, a long-term, comprehensive solution to many of the issues found in the audit lies in automating notifications, which requires additional resources.

Current notification processes are performed manually, with dozens of courts, sheriffs and institutions notifying hundreds of districts and thousands of schools, which means these processes can break down at many points. The processes were mandated at different times over a period of more than 20 years, with different contexts and different authorizing environments. An automated system would bring consistency across notification processes, limit the potential for human error, provide verification of receipt, allow for monitoring of completeness and accuracy, and provide information to appropriate staff on a need-to-know basis.

The notifying agencies and education associations are all interested in moving toward more effective, automated processes. During the audit, our Office convened a work group of stakeholders – including senders and recipients – to facilitate coordinated approaches to resolving problems the audit identified. This work group could coordinate efforts to potentially automate notification processes. However, several challenges would need to be addressed.

### **OSPI has existing data systems that could serve as the foundation for an automated system**

OSPI already has data systems that track where students are enrolled and who carries out key administrative responsibilities at schools and districts, which is unavailable to other agencies. During our audit period, Corrections relied on these data systems when it could not identify the last school district an individual attended. In these instances, Corrections would notify OSPI, which entered this information into the state's enrollment database. This makes the notification available to any school district, if the individual enrolls in a public K-12 school. In addition, during the audit Corrections started sending OSPI lists of all individuals requiring notification, and using OSPI's information for the last school attended instead of relying on self-reported information.

OSPI has been able to manually enter Corrections' notifications into the state's enrollment system, because Corrections notifies school districts for less than 200 individuals a year. However, OSPI cannot manually enter the thousands of notifications sent by the courts and Juvenile Rehabilitation. Instead, OSPI's Director of Application Development reports the agency could build a system where notifying entities enter information, which would be sent to designated recipients at the districts where students are, or will be, enrolled. The system could also send notifications to the principals at the enrolling schools. All of this could happen without emailing confidential information, and could build on the ways OSPI has included notifications from Corrections in the state's enrollment database.

OSPI believes it is well positioned to convey information to schools and districts as a service provider, as long as the notifying entities are responsible for sending the notifications. The Director of Application Development reports the agency has the technical capability, but acknowledges there would be development costs. OSPI is willing to create an automated notification system, building on its existing information systems, if the Legislature fully funds the system and OSPI's responsibility is limited to conveying the notifications from senders to recipients.

### **While automation would be beneficial, several challenges would need to be addressed**

In addition to the need for additional staff and funding, and limitations on responsibility (as discussed in the previous section), establishing a successful automated system faces several challenges:

- Ensuring only appropriate individuals have access to the information, as well as appropriate limitations on its use
- Ensuring all schools and districts use the system
- Determining the potential costs and risks in changing processes, compared to the potential benefits

An additional challenge is that public schools exist to educate anyone who wants to attend, and school registrars cannot compel incoming students to provide their legal names as they might appear in the automated system.

Also, while OSPI is uniquely positioned with its existing data systems, it might be possible to achieve the benefits of automation through other approaches as identified by the stakeholder work group.

## Conclusion

Educators need to know if students commit criminal offenses so they can put supports in place to ensure those students' success, as well as safeguards to protect all students and staff. When notification processes break down, students and staff might be exposed to harm.

Although the audit found a number of gaps and breakdowns in notification processes, it also identified significant opportunities for improving the flow of information about student criminal offenses. Courts, agencies and law enforcement have shown they recognize the critical nature of the information by already taking steps to resolve many issues the audit identified. They have also committed to working together with education associations to further improve notification processes. However, some statutory changes might be required to improve these processes, because the issues transcend any particular agency.

A follow-up audit will review notification processes within and between schools and districts. The audit will evaluate school and district responses to notifications, including the transfer of information from districts to schools, from principals to teachers and support staff, and from school to school as students transfer.

# Recommendations

The audit found a number of ways notification processes can break down and significant opportunities for improving the flow of information about students who have committed criminal offenses. Audited entities and K-12 stakeholders have already taken steps to close the gaps identified through the audit work (see the upper sidebar).

To provide stakeholders time to resolve the remaining issues and come to agreement on proposed statutory changes, the Office of the Washington State Auditor recommends the Legislature establish a work group to include the Office of Superintendent of Public Instruction, the Administrative Office of the Courts, Corrections, Juvenile Rehabilitation, and education associations.

## We recommend the Legislature:

Formalize the work group of stakeholders that began meeting during the audit, to provide stakeholders time to resolve the remaining issues identified in the audit – which transcend any one entity – and come to agreement on proposed statutory changes.

Issues to be addressed by the work group should include:

- Establish a process to ensure courts, Corrections, Juvenile Rehabilitation and sheriffs have access to accurate district, school and enrollment information as necessary
- Assign a single point of contact at each school district to receive all notifications, along with back-ups in case the primary contact is absent
- Assemble a proposal and a budget to develop and maintain an automated notification system
- Continue to improve guidance, training and monitoring
- Consider potential statutory changes to:
  - Limit notification requirements upon conviction, adjudication or diversion agreements to offenses that pose a public safety risk or might impact services provided to students
  - Require courts to notify designated contacts at districts, rather than school principals
  - Eliminate notifications for individuals that have received high school diplomas or the equivalent and individuals in partial confinement, as well as notifications to private schools when it is known the juvenile will not be attending that school

## Government organizations have already implemented many improvements that we would have recommended

- The Administrative Office of the Courts, the Washington Association of Juvenile Court Administrators and individual courts are improving training and guidance.
- Courts that did not retain documentation report they will in the future.
- Corrections improved how information reaches staff and now notifies via certified mail.
- Corrections started notifying before release instead of at admission.
- Juvenile Rehabilitation improved guidance and is analyzing the feasibility of notifying by certified mail.
- The Washington Association of Sheriffs and Police Chiefs provided local law enforcement information clarifying school notification requirements.

## Agencies recommended for participation in the work group

The Office of the Governor  
Administrative Office of the Courts  
Association of Washington School Principals  
Association of Washington Superior Court Administrators  
Department of Corrections  
Department of Social & Health Services – Juvenile Rehabilitation  
Office of Superintendent of Public Instruction  
Washington Association of Juvenile Court Administrators  
Washington Association of School Administrators  
Washington Association of Sheriffs & Police Chiefs  
Washington Federation of Independent Schools  
Washington State Association of Prosecuting Attorneys  
Washington State Legislature staff  
Washington State School Directors' Association



## THE WASHINGTON ASSOCIATION OF JUVENILE COURT ADMINISTRATORS

[www.wajca.org](http://www.wajca.org)

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2016-2017  
WAJCA PRESIDENT'S AWARD  
Paula Holter-Mehren  
Pend Oreille/Stevens/Ferry Counties  
Juvenile Court

WAJCA JCA OF THE YEAR  
Michael Merringer  
Kitsap County Juvenile Court

April 20, 2018,

Ms. Lori Garretson  
Senior Performance Auditor  
Washington State Auditor's Office

Re: Letter of Clarification; Ensuring Notification to Schools and Districts of Student Criminal Offenses

Dear Ms. Garretson,

Thank you for the opportunity to review the Auditor's final draft report for the Ensuring Notification to Schools and Districts of Student Criminal Offenses performance audit.

We appreciate that you have taken into consideration some of our earlier comments and suggestions. However, we would like to continue to clarify that the current RCW does not require courts to maintain a record of notification nor does it provide guidance on how notifications should occur.

We look forward to working with our system partners to strengthen this notification process and remain committed to the safety of our communities and youth in Washington State.

Regards,

  
Darryl Banks  
WAJCA President





## STATE OF WASHINGTON

May 3, 2018

The Honorable Pat McCarthy  
Washington State Auditor  
P.O. Box 40021  
Olympia, WA 98504-0021

Dear Auditor McCarthy:

Thank you for the opportunity to review and respond to the State Auditor's Office (SAO) performance audit report, *Ensuring Notification to Schools and Districts of Student Criminal Offenses*. The Department of Corrections (DOC) and Department of Social and Health Services (DSHS) worked with the Office of Financial Management to provide this response.

We value the safety and success of all students and take our role seriously in notifying public school districts — and all private schools within those districts — when former students are to be released from state custody.

As the report acknowledged, both DOC and DSHS made improvements in the areas identified by audit staff within the agencies' control. We note that some of those improvements go beyond what is required under current law. For example, DOC is sending notification by certified mail and DSHS is researching the same possibility to do so.

We believe both agencies are following applicable laws. The improvements made should reduce the number of manual errors. DOC and DSHS are monitoring their processes and will take additional action, if necessary. We also note that none of the media stories or lawsuits mentioned in the performance audit report is connected to DOC or DSHS.

As the report points out, some of the flaws and gaps in the notification system are not tied to a single agency or entity and need a coordinated approach to ensure that resources invested in notifications are working as lawmakers intended.

We fully support participating in a work group convened by the Legislature to improve the system. However, it is important for any work group to review the whole system, especially if considering statutory changes. We suggest the Legislature consider the timing of commencing a work group, given that the SAO plans a second performance audit on this topic. Additional data, processes and opportunities in the second performance audit may better inform recommendations for the overall system.

We are aware of some systemic flaws that are outside of the agencies' control. DSHS and DOC notify school districts, and private schools as required, when students who were previously enrolled

in the district are to be released from state custody. This may not meet the intent of lawmakers for several reasons:

- The former student might not return to his or her original district and instead enroll elsewhere. Similarly, the student might later transfer to another district. In either case, the second district would not be aware of the student's adjudication and release.
- The law does not require agencies to include a personal identifier in the notification, such as a date of birth. It might be difficult for schools and districts to identify the former student named in the notification. However, if notifying agencies were to include a personal identifier, they are at risk for violating privacy.
- The law directs schools — but not school districts — on what they are required to do with notifications. It is unknown whether schools or districts have clear and consistent policies and procedures established for sharing information about notifications.
- DOC is required to send notifications to school districts for individuals who have already completed their high school equivalency (GED) while incarcerated.
- Youth releasing from DSHS rarely return to or enroll in a private school. Yet, DSHS is required to notify all private schools within the district previously attended by the releasing youth.

We believe that standardizing the requirements for all entities that send and receive notifications — such as age requirements and who is notified — would strengthen the overall notification system.

Additionally, while we see value in the Office of Superintendent of Public Instruction (OSPI) automating notifications between OSPI, districts and schools, we have concerns about the scope, role and function of the system. Some examples include:

- Would the system hold only the letters of notification?
- Who would have access to the data and how would it be used?
- Who would use it (individual schools or school districts)?
- How long would the system retain information?
- How would the data be sorted (DOC, DSHS, courts, school district, school, person, etc.)?

It appears this system would alleviate the problem school districts are having with tracking and retaining notification letters, and connecting students being released to whichever school they enroll in, but it does not address issues that DOC, DSHS and the other notifying entities have with manual processes.

If an automated system were to be instituted, we recommend updating applicable laws so the notifying entities would be required only to notify the system, rather than adding the system notification to the existing requirement to notify districts and private schools. There also may be other lower-cost opportunities worth exploring.

The Honorable Pat McCarthy  
May 3, 2018  
Page 3 of 3

Please extend our sincere appreciation to your staff who worked on this performance audit. Their work has already contributed to improvements and identified opportunities for further improvements.

Sincerely,



Stephen Sinclair  
Secretary  
Department of Corrections



Cheryl Strange  
Secretary  
Department of Social and Health Services



David Schumacher  
Director  
Office of Financial Management

cc: Scott Frank, Director of Performance Audit, State Auditor's Office  
David Postman, Chief of Staff, Office of the Governor  
Kelly Wicker, Deputy Chief of Staff, Office of the Governor  
Drew Shirk, Executive Director of Legislative Affairs, Office of the Governor  
Pat Lashway, Deputy Director, Office of Financial Management  
Scott Merriman, Legislative Liaison, Office of Financial Management  
Inger Brinck, Director, Results Washington, Office of the Governor  
Tammy Firkins, Performance Audit Liaison, Results Washington, Office of the Governor

# WASHINGTON ASSOCIATION OF SHERIFFS & POLICE CHIEFS

3060 Willamette Drive NE Lacey, WA 98516 ~ Phone: (360) 486-2380 ~ Fax: (360) 486-2381 ~ Website: www.waspc.org

Serving the Law Enforcement Community and the Citizens of Washington



April 27, 2018

Washington State Auditor's Office  
302 Sid Snyder Avenue SW  
Olympia, Washington 98504-0021

Subject: Ensuring Notification to Schools and Districts of Student Criminal Offenses


Please accept the Washington Association of Sheriffs and Police Chiefs (WASPC) formal response to the Performance Audit Ensuring Notification to Schools and Districts of Student Criminal Offenses. WASPC appreciates the opportunity to participate in the audit process on behalf of our members. WASPC's mission is to lead collaboration among law enforcement executives to enhance public safety. Our involvement in this audit allows us to further those efforts.

We found the audit an attempt to review a complex web of notification requirements. We believe the audit to be a fair representation of the findings of the audit team using the information available to them at the time of the review. We also believe the following notations merit formal mention:

- Per RCW 9A.44.130(1)(b)(i), the responsibility to notify the Sheriff that an individual intends to attend school falls to the offender. Sheriff's Offices are not required to confirm enrollment status of offenders.
- RCW 9A.44.38 requires Sheriff's Offices to make notifications; however, Sheriff's Offices are not required to confirm that a school or school district took action on any notifications provided.
- WASPC will continue to provide training and clarification to local law enforcement agencies on notifications and processes required.
- WASPC looks forward to continued participation via the recommended task force to enhance the notification of schools and districts.
- Our organization found the text box on page 23 to be less than compelling in demonstrating that notification was required in this situation. The example attempted to summarize a complicated situation where the student may or may not have been enrolled in school at the end of the school year. Subsequent to registering with the Sheriff's Office, the offender failed to meet registration requirements and was placed in a non-compliance status.

Thank you again for the opportunity to participate in this important audit. WASPC looks forward to our continued participation to enhance the process for notification of schools and districts.

Sincerely,

  
Steven D. Strachan  
Executive Director

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<b>President</b> <b>BRIAN BURNETT</b> <i>Sheriff—Chelan County</i>	<b>President Elect</b> <b>KEN THOMAS</b> <i>Chief—Kent</i>	<b>Vice President</b> <b>JOHN SNAZA</b> <i>Sheriff—Thurston County</i>	<b>Past President</b> <b>KEN HOHENBERG</b> <i>Chief—Kennewick</i>	<b>Treasurer</b> <b>BRIAN WINTER</b> <i>Sheriff—Yakima County</i>
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# Appendix A: Initiative 900

Initiative 900, approved by Washington voters in 2005 and enacted into state law in 2006, authorized the State Auditor’s Office to conduct independent, comprehensive performance audits of state and local governments. Specifically, the law directs the Auditor’s Office to “review and analyze the economy, efficiency, and effectiveness of the policies, management, fiscal affairs, and operations of state and local governments, agencies, programs, and accounts.” Performance audits are to be conducted according to U.S. Government Accountability Office government auditing standards.

In addition, the law identifies nine elements that are to be considered within the scope of each performance audit. The State Auditor’s Office evaluates the relevance of all nine elements to each audit. The table below indicates which elements are addressed in the audit. Specific issues are discussed in the Audit Results section of this report.

I-900 element	Addressed in the audit
1. Identify cost savings	<b>No.</b> Although the audit did not identify specific cost savings, gaps in notification processes have led to costly lawsuits. It is far less costly to have strong notification processes in place than to face lawsuits for not taking legally required steps.
2. Identify services that can be reduced or eliminated	<b>Yes.</b> State agencies are sending notifications to schools and districts that individuals will never attend, either because they have completed their high school educations or because the agency knows they will be enrolling elsewhere. These services could be reduced without compromising public safety.
3. Identify programs or services that can be transferred to the private sector	<b>No.</b> There is no potential for privatization in this audit.
4. Analyze gaps or overlaps in programs or services and provide recommendations to correct them	<b>Yes.</b> This audit was designed to identify whether there are gaps in the processes for notifying schools and school districts about student criminal offenses.
5. Assess feasibility of pooling information technology systems within the department	<b>Yes.</b> Multiple agencies and courts send notifications to thousands of schools and hundreds of school districts. The audit found the processes could be improved by using information systems at the Office of Superintendent of Public Instruction.
6. Analyze departmental roles and functions, and provide recommendations to change or eliminate them	<b>Yes.</b> The audit found state agencies send notifications to school districts while courts send them to individual schools. Recommendations include sending all notifications to designated contacts at the district level.
7. Provide recommendations for statutory or regulatory changes that may be necessary for the department to properly carry out its functions	<b>No.</b> While it makes no formal recommendations for statutory changes, the audit suggests several potential changes, including having courts notify designated contacts at the district level, directing state agencies to notify only for individuals who have not completed high school, and directing the Department of Social and Health Services – Juvenile Rehabilitation to only notify a private school if the school is part of the juvenile’s re-entry plan.

I-900 element	Addressed in the audit
8. Analyze departmental performance data, performance measures and self-assessment systems	<b>Yes.</b> The audit analyzed how often notifications were sent and confirmed as received to inform findings and recommendations.
9. Identify relevant best practices	<b>Yes.</b> This audit reviewed practices in other states to inform recommendations.

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## Appendix B: Methodology

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This performance audit examined whether notifications to schools and school districts are happening as prescribed by law. Research for the report focused on these questions:

Were K-12 schools and districts notified of offenses committed by students as prescribed by law? If not, are there opportunities to improve the notification process?

To answer these questions, we gained an understanding of the process by reviewing the law and interviewing stakeholders. Then we verified whether notifications were sent, and whether school districts and local law enforcement agencies could confirm receiving them.

### Notification processes

We sought to understand how state agencies and courts carry out their responsibilities. To do this, we began by reviewing the laws that require various entities to send notifications to schools or school districts when students commit criminal offenses.

**Courts** – Responsible for notifying schools if a student enrolled in a common school is convicted or adjudicated, or enters into a diversion agreement for certain offenses.

**Department of Corrections (Corrections)** – Responsible for notifying school districts when anyone younger than 22 is released after serving time for a violent, sexual or stalking offense, or transitions to a lower level of confinement like work release. The agency must also notify local law enforcement when releasing anyone who has committed a sexual offense.

**Department of Social and Health Services – Juvenile Rehabilitation (Juvenile Rehabilitation)** – Responsible for notifying school districts when a juvenile is released or transitions to a lower level of custody like a community facility. The agency must also notify local law enforcement when releasing a juvenile who has committed a violent, sexual or stalking offense.

**County sheriffs** – Responsible for notifying schools and school districts when someone who has committed a sexual offense reports an intent to enroll in school to the sheriff's office.

We met with staff at all the agencies responsible for notifications to understand how they interpret and carry out these responsibilities. When audit staff had a different understanding of the legal requirements than the agency, we sought advice from the Attorney General's Office. We also met with education stakeholders, including the Office of Superintendent of Public Instruction, the Washington State School Directors' Association, the Washington Association of School Administrators, and the Association of Washington School Principals.

## **Notifications sent**

### **Upon conviction, adjudication or diversion agreements**

Courts must notify schools about any students who have been convicted, adjudicated, or if the student entered into a diversion agreement for certain crimes. There are dozens of adult and juvenile courts in the state, so we selected 10 judicial districts, five with high caseloads and five with low caseloads based on the number of felonies committed by juveniles in 2015 as reported by the Administrative Office of the Courts. We chose to include the Spokane County Superior Court (the sixth highest caseload) instead of the Snohomish County Superior Court (the fourth highest) to get better representation of both eastern and western Washington.

We requested data from the Administrative Office of the Courts for all convictions, adjudications and diversion agreements in state fiscal year 2016 from the 10 courts. We then checked the offenses against the Caseload Forecast Council's Sentencing Guidelines Manual to see if they were violent or sexual offenses, and against the list in RCW 13.04.155 to determine if the offenses required notification. We then selected a random sample of offenses that require notification. For each court, we drew a sample large enough for a 90 percent confidence interval with a 10 percent margin of error, based on the population of convictions, adjudications and diversion agreements for offenses that require notification in that judicial district.

To evaluate whether courts notified principals, we asked each court in the sample to send us documentation of the sent notification or an explanation of why it did not need to send one. We accepted scanned copies of the notification or the saved digital copies. If the court informed us that a notification was not required, we asked for documentation to support that determination. For example, some courts responded that a minor had already graduated, so we accepted a diploma or GED as support. In other cases, courts said that a minor lived out of state, so we accepted formal documentation of an out-of-state address or an interstate compact. State law does not require courts to retain this documentation.

### **Prior to release**

#### ***From an adult facility***

To evaluate whether Corrections notified school districts, we asked Corrections for a list of all releases for anyone younger than 22 in state fiscal year 2016. That gave us 379 people, and we reviewed the crimes they committed to see if any of them were violent, sexual or stalking offenses. These categories are defined in statute but can change year-to-year, making a nonviolent offense in one year a violent offense the next. Therefore, we used the Caseload Forecast Council's Sentencing Guidelines Manual for the year the offense was committed to determine whether a crime was considered a violent, sexual or stalking offense.

This review gave us a list of 145 people whose offenses required notifying school districts (violent, sexual or stalking offenses if the person had previously attended school in Washington), and 13 individuals whose offenses required notifying law enforcement (sexual offenses). We asked Corrections for evidence that it sent these notifications or the reason it did not. We counted notifications as sent if Corrections could provide a copy of the notification or if the notifications were recorded as sent in the spreadsheet that staff maintain to determine whether they sent notifications to school districts. Corrections provided some explanations why it missed some school district notifications, and we tested those against the data it gave us.

#### ***From a juvenile facility***

To evaluate whether Juvenile Rehabilitation notified school districts when juveniles were released from its custody, we asked Juvenile Rehabilitation for a list of all releases or transitions that required notification during state fiscal year 2016. About 620 juveniles were released or transitioned who required notification – staff data entry errors in the case management system preclude an exact count. We drew a sample large enough for a 90 percent confidence interval with less than a 10 percent margin of error.



Then, for each juvenile in the sample, we requested copies of the notifications sent to school districts and local law enforcement, as well as records of each juvenile's transitions and releases. We compared the copies of the notifications to the records of transition and release to determine if Juvenile Rehabilitation sent all required notifications. To determine why Juvenile Rehabilitation did not send notifications, we interviewed management and staff to understand potential reasons for missing notifications.

### **Upon enrollment of someone who has committed a sexual offense**

To evaluate notification upon enrollment for students who have committed sexual offenses, first we identified such individuals in the samples of releases from Juvenile Rehabilitation and Corrections. We identified the local jurisdictions where the individuals were initially released, and requested copies of the notifications that Juvenile Rehabilitation and Corrections sent to these local jurisdictions. Then, we contacted the county sheriffs to confirm they received the notifications from the state agencies, and we asked the county sheriffs if anyone from the sample reported an intent to enroll in school. If so, we asked for a copy of the notification the sheriff was required to send to the school and district. During these calls, we also used a standard interview protocol to learn more about what the jurisdictions do with notifications they receive.

## **Notifications received**

### **School districts**

After verifying that the notifications were sent, we used all the sent notifications from our Juvenile Rehabilitation sample (65 notifications) and selected a sample from Corrections (38 notifications) to confirm receipt. We selected those individuals from Corrections most likely to re-enroll in a K-12 school. To do this, we selected the individuals Corrections identified as not having a high school diploma or equivalent degree, and then selected those who were younger than 21.

To confirm receipt, we called each school district involved and asked if it could confirm it received the notification (43 school districts). During these calls, we conducted interviews using a standard interview protocol to determine what school districts do with notifications, how they assign responsibility for notifications and their suggestions for improving the process.

# Appendix C: RCWs for Relevant Notification Requirements

State law requires courts to notify schools when students are found guilty or enter into diversion agreements for specific offenses, and requires Department of Social and Health Services – Juvenile Rehabilitation and Department of Corrections to notify school districts when they release students from custody. Local law enforcement must notify schools and school districts when students must register as sex offenders. Upon receiving certain notifications, principals must notify appropriate supervisory personnel. There are no statutory requirements regarding districts sharing student criminal history information with schools. The tables below summarize and excerpt the sections of relevant law in each Revised Code of Washington (RCW) statute.

## Conviction / Adjudication / Diversion Agreement

### RCW 13.04.155

*Summary: Courts must notify school principals when they convict students of certain crimes.*

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

- (a) A violent offense as defined in RCW 9.94A.030;
- (b) A sex offense as defined in RCW 9.94A.030;
- (c) Inhaling toxic fumes under chapter 9.47A RCW;
- (d) A controlled substances violation under chapter 69.50 RCW;
- (e) A liquor violation under RCW 66.44.270; and
- (f) Any crime under chapters 9.41, 9A.36, 9A.40, 9A.46, and 9A.48 RCW<sup>1</sup>.

*Note 1. Chapter 9.41 refers to firearms; Chapter 9A.36 refers to assault; Chapter 9A.40 refers to kidnapping; Chapter 9A.46 refers to harassment; Chapter 9A.48 refers to arson, reckless burning, and malicious mischief*

### RCW 13.04.155

*Summary: Principals notified by courts must notify supervisory personnel at the schools.*

(2) The principal must provide the information received under subsection (1) of this section to every teacher of any student who qualifies under subsection (1) of this section and 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. The principal must provide the information to teachers and other personnel based on any written records that the principal maintains or receives from a juvenile court administrator or a law enforcement agency regarding the student.

## Release

### RCW 72.09.730

*Summary: Department of Corrections must notify school districts of upcoming release of anyone younger than 22 who has committed a violent, sexual or stalking offense.*

(1) At the earliest possible date and in no event later than thirty days before an offender is released from confinement, the department shall provide notice to the school district board of directors of the district in which the offender last attended school if the offender:

- (a) Is twenty-one years of age or younger at the time of release;
- (b) Has been convicted of a violent offense, a sex offense, or stalking; and
- (c) Last attended school in this state.

(2) This section applies whenever an offender is being released from total confinement, regardless if the release is to parole, community custody, work release placement, or furlough.

### RCW 72.09.345

*Summary: Department of Corrections must notify local law enforcement regarding registered sex offenders released to the community.*

(7) The [End of Sentence Review] committee shall issue to appropriate law enforcement agencies, for their use in making public notifications under RCW 4.24.550, narrative notices regarding the pending release of sex offenders from the department's facilities.

### RCW 13.40.215

*Summary: Department of Social and Health Services – Juvenile Rehabilitation must notify school districts and local law enforcement of the release of juveniles who have committed a violent, sexual or stalking offense.*

(1)(a) Except as provided in subsection (2) of this section, at the earliest possible date, and in no event later than thirty days before discharge, parole, or any other authorized leave or release, or before transfer to a community residential facility, the secretary shall send written notice of the discharge, parole, authorized leave or release, or transfer of a juvenile found to have committed a violent offense, a sex offense, or stalking, to the following:

- (i) The chief of police of the city, if any, in which the juvenile will reside;
- (ii) The sheriff of the county in which the juvenile will reside; and
- (iii) The approved private schools and the common school district board of directors of the district in which the juvenile intends to reside or the approved private school or public school district in which the juvenile last attended school, whichever is appropriate.

(b) After July 25, 1999, the department shall send a written notice to approved private and public schools under the same conditions identified in subsection (1)(a)(iii)1 of this section when a juvenile adjudicated of any offense is transferred to a community residential facility, discharged, paroled, released, or granted a leave.

### RCW 28A.225.330

*Summary: Schools must give relevant criminal information to teachers and security personnel.*

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

## Enrollment

### RCW 9A.44.138

*Summary: County sheriffs must notify schools and districts when registered sex and kidnapping offenders provide notice that they will attend a school.*

(1) Upon receiving notice from a registered person pursuant to RCW 9A.44.130 that the person will be attending a school or institution of higher education or will be employed with an institution of higher education, the sheriff must promptly notify the school district and the school principal or institution's department of public safety.

(2) A principal or department receiving notice under this subsection must disclose the information received from the sheriff as follows:

(a) If the student is classified as a risk level II or III, the principal shall provide the information received to every teacher of the student 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 is classified as a risk level I, the principal or department shall provide the information received only to personnel who, in the judgment of the principal or department, for security purposes should be aware of the student's record.