



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.

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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,



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