

# HOUSE BILL REPORT

## SHB 1401

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### As Amended by Senate

**Title:** An act relating to sharing of juvenile records among schools and other agencies.

**Brief Description:** Allowing disclosure of juvenile records to affected school districts.

**Sponsors:** By House Committee on Education (originally sponsored by Representatives Brumsickle, Cole, Carlson, G. Fisher, Mastin, Poulsen, Elliot, Quall, Clements, Smith, Chandler, Patterson, Costa, Mielke, Campbell, Mulliken, Honeyford, Talcott, Cooke, Thompson, L. Thomas, Mitchell, Kremen, Scott, Wolfe, Boldt, Conway and McMorris).

**Brief History:**

**Committee Activity:**

Education: 2/7/95, 2/16/95 [DPS].

**Floor Activity:**

Passed House: 3/13/95, 95-1.

Senate Amended.

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### HOUSE COMMITTEE ON EDUCATION

**Majority Report:** The substitute bill be substituted therefor and the substitute bill do pass. Signed by 18 members: Representatives Brumsickle, Chairman; Elliot, Vice Chairman; Johnson, Vice Chairman; Cole, Ranking Minority Member; Poulsen, Assistant Ranking Minority Member; Clements; Dickerson; G. Fisher; Fuhrman; Hatfield; Pelesky; Quall; Radcliff; Smith; Talcott; B. Thomas; Thompson and Veloria.

**Minority Report:** Do not pass. Signed by 1 member: Representative McMahan.

**Staff:** Robert Butts (786-7111).

**Background:** School districts are interested in receiving information about students coming to schools in order to ensure the best placement, supervision and support services for the student while ensuring adequate safety of all students and staff. The federal and state laws that address the sharing of information about juveniles create a complex maze of overlapping and conflicting mandates that make it difficult to know when and how information may be shared.

**Summary of Bill:** School districts are to be notified when a state juvenile detention center releases a juvenile who has committed a violent crime, sex crime, or stalking crime, except in certain circumstances.

The circumstances when agencies can share records are clarified. All applicable agencies, including schools, are required to adopt policies for sharing juvenile records. Agency and school district employees who follow the law when sharing records are protected from being sued.

The Superintendent of Public Instruction, the Department of Social and Health Services, and the office of the Attorney General are required to develop a handbook to assist agency and school district personnel in correctly sharing juvenile records.

**EFFECT OF SENATE AMENDMENT(S):**

**Deleted provisions requiring a handbook to be prepared on laws regarding the transfer of records. Deleted provisions that would have required school districts and juvenile justice and care agencies to develop policies regarding the handling of records. Deleted a provision that would have granted immunity from being sued to agency personnel if personnel follow laws pertaining to the transfer of records. Retained provisions requiring the Department of Social and Health Services to notify schools when juveniles are released and school district personnel immunity.**

**Appropriation:** None.

**Fiscal Note:** Requested on January 31, 1995.

**Effective Date of Bill:** Ninety days after adjournment of session in which bill is passed.

**Testimony For:** We need better information on students who arrive at our door if we are to protect the students in our schools. This legislation will reduce the fear and confusion regarding the transfer of student records.

**Testimony Against:** This legislation calls for government agencies to exchange highly personal and sensitive records without consent. Any disclosure of personal information should require the consent of the individual or the parent of the individual. The blanket immunity for those who share information is too great of a protection.

**Testified:** Walter Ball, Association of Washington School Principals (pro); Steve Dinger, Washington Federation of Independent Schools (pro); Jerry Sheehan, American Civil Liberties Union (con); Donna Salcedo, Seattle Schools (pro); Kathy

O'Toole, Washington Education Association (pro); Janeane Dubuar, Computer Professionals for Social Responsibility (con); and Patricia Hanson, Department of Social and Health Services.

**Votes on Final Passage:**

Yeas 95; Nays 1; Excused 2

Nays: Mason

Excused: Blanton, Ogden