

HOUSE BILL REPORT

HB 1401

As Reported By House Committee On:
Education

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: 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].

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 Substitute 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.

Substitute Bill Compared to Original Bill: County court administrators are not required to notify a school district when a juvenile is released. Juvenile justice and care agencies may use the policies in the handbook as models when developing their own policies on sharing juvenile record information. A requirement was added that the parent or legal guardian of the juvenile be notified when a juvenile's records are disclosed. Only the employee of a juvenile justice or care agency is protected from being sued when he or she has followed the law. Modifications were made regarding the development of the handbook.

Appropriation: None.

Fiscal Note: Requested on January 31, 1995.

Effective Date of Substitute 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.