

# SENATE BILL REPORT

## SHB 1401

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As Reported By Senate Committee On:  
Education, March 28, 1995

**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:** 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: 3/23/95, 3/28/95 [DP, DNP].

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### SENATE COMMITTEE ON EDUCATION

**Majority Report:** Do pass as amended.

Signed by Senators McAuliffe, Chair; Pelz, Vice Chair; Gaspard and Rasmussen.

**Minority Report:** Do not pass as amended.

Signed by Senators Finkbeiner, Hochstatter and Johnson.

**Staff:** Susan Mielke (786-7422)

**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 to share information.

**Summary of Amended Bill:** The appropriate approved private school or public school district must be notified when a state juvenile detention center releases a juvenile who 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 that comply with federal and state law for sharing juvenile records. Agencies, private schools, public schools and their employees who follow the law when sharing records are protected from civil liability.

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. The handbook must be reviewed annually.

**Amended Bill Compared to Substitute Bill:** State juvenile detention centers must notify private schools as well as public schools when releasing certain juveniles.

The policies to be developed must be in accordance with federal and state law and must include when parental notification is required.

It is clarified that the agency as well as the employee that discloses information in compliance with federal and state law is protected against civil liability. Approved private schools and employees are protected against civil liability as well.

The handbook must include when parental notification is required by federal and state law.

The handbook must be jointly reviewed by the three developing agencies every two years instead of every year.

**Appropriation:** None.

**Fiscal Note:** Requested on January 13, 1995.

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

**Testimony For:** Many people from different agencies have worked together to create this bill. It is important for schools and agencies to be able to share information so appropriate placement and services can be provided. There are sufficient safeguards for privacy in the bill.

**Testimony Against:** This bill, except for section 1, sets up a system to send private information among agencies. This is an invasion of privacy. Schools do not need additional information on students and if they do, the information should come from the parent. The parental notification requirement will hamper Child Protective Services investigations. The bill should include private schools.

**Testified:** Walter Ball, AWSP (pro); Bonnie Jacques, DSHS Children's Services; Stephen Dinger, WFIS (pro); David Reynard (pro); Janeane Dubuar, Computer Professionals for Social Responsibility (con); Sandy Elliot (con).