

SENATE BILL REPORT

SB 5170

As Reported By Senate Committee On:
Education, February 7, 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: Senators McAuliffe, Long, Fairley, Drew, Haugen, Bauer, Fraser, Pelz, Kohl, Oke and Gaspard.

Brief History:

Committee Activity: Education: 1/26/95, 2/7/95 [DPS].

SENATE COMMITTEE ON EDUCATION

Majority Report: That Substitute Senate Bill No. 5170 be substituted therefor, and the substitute bill do pass.

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

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 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. The notification by the detention centers to the schools are restricted to address only those juveniles who are required to attend school.

Each juvenile justice or care agency must use the handbook developed under section 7 of this act when developing its own policy on sharing juvenile record information. The policies must include a limitation on the use and disclosure of the information to persons necessary to provide appropriate services for the juvenile, and to provide a safe environment for the juvenile and others; and a requirement that the parent or legal guardian of the juvenile must 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.

When a public school student transfers to another public school, the school previously attended must send the student's permanent records as soon as possible.

The office of the Attorney General participates in developing the handbook on the current laws and policies governing the disclosure of juvenile record information. The handbook will be published by July 1, 1996 and updated as needed. Model policies are included. The handbook should not discourage or encourage disclosure of information.

Appropriation: None.

Fiscal Note: Requested on January 13, 1995.

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

Testimony For: There is a reluctance to share information because there is confusion about what the law allows and a fear of litigation. The lack of information can result in poor decisions being made about appropriate placement or services for the individual. The bill helps clarify when agencies and schools are permitted to share record information. It is appropriate to allow each agency to develop their own policy, and not to mandate a policy by the state. Concerns raised by proponents include: Private schools are not included in the bill; this will increase the workload on the juvenile justice staff; school notification of the release of an offender should not include those juveniles who are not required by law to attend school; there should be limitations on how the information obtained will be used.

Testimony Against: There is no need for the bill because current law allows some sharing of records, but it is not being used. The government should not get such broad access to personal information through the schools. Any disclosure of personal information should require the consent of the individual or the parent of the individual. Parents should be notified if a juvenile's records are disclosed. The blanket immunity for those who share information is too great of a protection. There should be limitations on how any information obtained will be used, and conditions for redisclosure.

Testified: Donna Salcedo, Seattle Schools (pro); Walter Ball, AWSP (pro); Doug Boushey, Kent Jr. High School (pro); James Kelly, Commission on African-American Affairs (pro); Kathy O'Toole, WEA (pro); Stephen Dinger, WFIS (pro); Sheri Morris, Kent Jr. High School; Janeane Dubuar, Computer Professionals for Social Responsibility (con); Harriett Walden, Mothers Against Public Harassment (con); Pat Hanson, DSHS/JRA (neutral); Jerry Sheehan, American Civil Liberties Union (con); Pete Peterson, WAUCA; Lynn McKinnon, PSE (pro).