

HOUSE BILL REPORT

SHB 1153

As Amended by the Senate

Title: An act relating to the sharing of information relating to student safety.

Brief Description: Changing school safety provisions.

Sponsors: By House Committee on Education (Originally sponsored by Representatives McDonald, Kastama, Sump, Delvin, Hurst, Rockefeller, Kessler, Stensen, O'Brien, Bush, Lovick, Dickerson, Carlson, Keiser, Ogden, Hatfield, Wood, Ruderman, Tokuda, Santos, McIntire, Conway and Lantz).

Brief History:

Committee Activity:

Education: 1/25/99, 2/24/99 [DPS].

Floor Activity:

Passed House: 3/12/99, 96-0.

Senate Amended.

Passed Senate: 4/14/99, 47-0.

Brief Summary of Substitute Bill

- Requires the courts, law enforcement, and DSHS to provide more information on juvenile offenders to schools.
- Requires that information on certain offenses be provided to a new school district on a transferring student by the old school district and the parent, in addition to information currently provided, and mandates that the new school obtain certain information on the past behavior of the student (currently optional).

HOUSE COMMITTEE ON EDUCATION

Majority Report: The substitute bill be substituted therefor and the substitute bill do pass. Signed by 14 members: Representatives Quall, Democratic Co-Chair; Talcott, Republican Co-Chair; Haigh, Democratic Vice Chair; Schindler, Republican Vice Chair; Carlson; Cox; Keiser; Rockefeller; Santos; D. Schmidt; Schual-Berke; Stensen; Sump and Wensman.

Staff: Charlie Gavigan (786-7340).

Background:

When a juvenile who has committed a sex, violent, or stalking offense will be released, paroled, or transferred to a community residential facility (group home), the Department of Social and Health Services must notify the private schools and the public school board in the district in which the offender intends to reside or the district in which the offender last attended school, as appropriate. The requirement to notify schools of the release or transfer of certain offenders was expanded in 1997 to require the department to notify schools when an offender under the jurisdiction of the department for any offense will be transferred to a community residential facility.

The juvenile court administrator must notify the school principal if an elementary or secondary school student is convicted of any of the following offenses: violent or sex offenses, inhaling toxic fumes, violations of the controlled substances provisions, liquor violations, or offenses relating to kidnaping, harassment, or arson. The principal must provide the criminal history information to the student's teachers, supervisors, and other personnel who need to know for security reasons. Otherwise the information is confidential except when it may be disseminated pursuant to a statute or federal law.

When a student transfers to another school, the records of immunization, academic performance, disciplinary actions, and attendance follow the student to the new school. When a student switches school districts, the new school may ask the parent and student to provide certain information about the student, including information about disciplinary actions and any history of violent or sex offenses, violations of the controlled substances provisions, liquor violations, or offenses relating to inhaling toxic fumes, kidnaping, harassment, or arson. School districts may reject a nonresident student applicant if the student's history indicates a history of violent or disruptive behavior or gang membership.

Except for official juvenile court files, most records regarding juvenile offenses are confidential. Records of juvenile justice or care agencies, which include schools, can be released to other participants in the juvenile justice system when the participant is involved in the investigation or when the participant is responsible for supervising the juvenile.

Summary of Bill:

The Department of Social and Health Services must notify the private schools and the public school board in the district in which the juvenile offender intends to reside or the district in which the offender last attended school, as appropriate, whenever an offender under the jurisdiction of the department for any offense will be released, paroled, or granted leave, not just when being transferred to a community residential facility as under current law. The community residential facility housing a juvenile offender must provide a written notice to any school the juvenile is attending while residing at the facility describing the juvenile's criminal history. This notice must also be provided to any employer while the juvenile is residing at the community residential facility.

In addition to the current information that follows a student to a new school, information from the previous school must be provided on any offenses relating to violent or sex offenses, violations of the controlled substances provisions, liquor violations, or offenses relating to inhaling toxic fumes, kidnaping, harassment, or arson. School districts may reject a nonresident student applicant if, in addition to reasons under current law, the records indicate the juvenile has committed violent or sex offenses, violations of the controlled substances provisions, liquor violations, or offenses relating to inhaling toxic fumes, kidnaping, harassment, or arson. When a student switches school districts, parents must provide information similar to the information contained in the school records. If the parent fails to provide accurate information regarding past school disciplinary action or violent or other inappropriate behavior, the student could be transferred, suspended, or expelled when the school receives correct information. Teachers must be informed when the student poses a safety risk.

The school the juvenile attends is responsible for supervising that student while he or she is at school and, therefore, has access to records of the juvenile justice and care system for that student. Law enforcement officers must cooperate with schools in releasing information on investigations regarding students. Information should be released to the maximum extent possible without jeopardizing the investigation or prosecution, or endangering witnesses.

EFFECT OF SENATE AMENDMENT(S): The Senate amendment:

(1) retains current law allowing a school receiving a transfer student from another school district to request the parent and student provide certain information, including certain information on past disciplinary actions and violent behavior. The Senate amendment adds a provision allowing the school to suspend, transfer, or expel the student if the parent fails to provide requested information or provides inaccurate

information and the school learns of information that could have allowed it to not accept the student originally. (The House bill made disclosure of this information mandatory but did not provide a remedy if the parent/student failed to provide the information); and

(2) modifies the provision allowing sharing of information regarding arrested students with the school the student attends. The Senate amendment specifically authorizes the sharing of this information, while the House Bill allows sharing by making the school a supervising agency while the student is at school.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: (Original bill) This bill will get information on juveniles who commit offenses or are a threat to school safety to the schools from the courts, law enforcement, and DSHS. Schools need this information both to better serve the needs of the juvenile and to protect the safety of other students and staff. Knowing more about these students will enable the schools to adopt more appropriate programs for these students. These provisions will facilitate better communication between schools, the courts and law enforcement.

Testimony Against: (Original bill) This will punish the juvenile twice; not only is the juvenile being punished for his or her offense, but providing the information to the school will result in other students knowing it and punishing the juvenile again by ridiculing him or her and inhibiting the ability to get on with his or her life. This bill could be too broad regarding the information disclosed and the juveniles affected.

Testified: (Support) Rep. McDonald, prime sponsor; Frank Hewins, Franklin Pierce School District; Mike Patrick, Washington State Council of Police and Sheriffs; and Gary King, Washington Education Association.

(With concerns) Janeane Dubuar, Computer Professionals for Social Responsibility.

(Opposed) Delvin Piplic, student.