

SENATE BILL REPORT

HB 2343

As Reported By Senate Committee On:
Education, February 26, 1998

Title: An act relating to school safety.

Brief Description: Changing school safety provisions.

Sponsors: Representatives Hickel and Johnson.

Brief History:

Committee Activity: Education: 2/24/98, 2/26/98 [DPA].

SENATE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended.

Signed by Senators Hochstatter, Chair; Finkbeiner, Vice Chair; Goings, Johnson, McAuliffe, Rasmussen and Zarelli.

Staff: Susan Mielke (786-7422)

Background: State law requires the sharing of certain student criminal behavior information with schools.

Department of Social and Health Services (DSHS): When a juvenile who has committed a sex, violent, or stalking offense will be released, paroled, or transferred from a DSHS operated facility, DSHS must notify the private schools and the public school board of the school district in which the juvenile intends to reside, or the district in which the juvenile last attended school, as appropriate. Additionally, DSHS must notify the appropriate private schools and public school board when a juvenile, who has committed any criminal offense, is transferred to a group home.

Juvenile court administrator: When a public school student has committed a violent offense, a sex offense, a controlled substance or liquor violation, an assault, a kidnaping, an act of harassment, or an arson, the juvenile court administrator must notify the student's school principal. The principal must provide the information to the student's teachers, supervisors, and security personnel who need to know. The information may not be further disseminated unless allowed by law.

The student, the student's parent and a transferring school: When a student transfers schools, the school enrolling the student may request information from the student and the parent regarding the student's placement in special education programs, disciplinary action, history of violent behavior, or any criminal offenses the court administrator is required to report to school principals. The enrolling school must request and the transferring school must provide the student's records of disciplinary actions, attendance, immunizations, and academic performance.

Juvenile justice or care agencies: Schools, police, courts and prosecuting attorneys are defined in state law as juvenile justice or care agencies. Except for the official court documents, most records regarding juvenile offenses are confidential. However, records of juvenile justice or care agencies may be released to other such agencies when an investigation is being pursued or when the agency is responsible for supervising the juvenile.

Summary of Amended Bill: State law requiring the sharing of certain student criminal behavior information with schools is amended.

Department of Social and Health Services (DSHS): The requirement for DSHS to provide certain notice to schools is expanded. When a juvenile who has committed any criminal offense is discharged, paroled, released, or granted a leave from a DSHS operated facility, DSHS must notify the private schools and the public school board of the school district in which the juvenile intends to reside, or the district in which the juvenile last attended school, as appropriate.

The student, the student's parent and a transferring school: The information that must be requested by an enrolling school and provided by a transferring school when a student transfers is expanded to include records of a student's history of violent behavior or any criminal offenses the court administrator is required to report to school principals.

If the parent fails to provide information to schools regarding their child's placement in special education program, disciplinary action, history of violent behavior or any criminal offenses the court administrator is required to report to school principals, the student may be suspended, transferred or expelled if the school could have denied the student admission or placed the student in an alternative placement based on accurate information.

Juvenile justice or care agencies: It is clarified that a school is a juvenile justice or care agency since the school has supervision responsibility of juveniles.

Law enforcement and prosecuting attorneys must release information to schools regarding investigation, diversion, and prosecutions of juveniles, to the maximum extent possible without jeopardizing the investigation or prosecution, or endangering witnesses.

Amended Bill Compared to Original Bill: The amendment deletes language that requires parents to provide certain information, since schools are permitted to request, but not required to request, the information. The specific information that law enforcement and prosecuting attorneys release incident reports is deleted.

Appropriation: None.

Fiscal Note: Not requested.

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

Testimony For: This bill addresses school safety. It will ensure that schools have access to information about juvenile offenders so that they can be placed in appropriate education programs and so the schools can appropriately provide for the safety of other students and staff.

Testimony Against: None.

Testified: PRO: Representative Hickel, prime sponsor; Rainer Houser, AWSP.