

HOUSE BILL ANALYSIS

HB 1601

Title: An act relating to cooperation between courts and schools regarding juveniles.

Brief Description: Increasing cooperation between courts and schools.

Sponsors: Representatives Lambert, Rockefeller, Talcott, Carrell, Sullivan, Kagi, Benson, Delvin, Clements, Esser, Romero and Kenney.

Brief Summary of Bill

- Requires that educational programs in county juvenile detention facilities emphasize raising the juveniles' reading skills to the sixth grade level.
- Requires the juvenile court to continue supervision over a juvenile until the juvenile attains a sixth grade reading level or is no longer a juvenile.
- Allows a school to obtain a juvenile's records from juvenile justice and care agencies when the juvenile is enrolled in or requesting enrollment in the school.

HOUSE COMMITTEE ON JUDICIARY

Staff: Trudes Hutcheson (786-7384).

Background:

Individualized Education Programs

The state provides special education services to students with disabilities. Each student receiving special education must have in place an individualized education program (IEP) that is tailored to the student's needs and based on an evaluation of the student and input from the parents. Educational agencies must protect the confidentiality of personally identifiable information in student records and can only release student records under certain circumstances.

Educating Juvenile Offenders

A juvenile offender who receives a term of confinement for 30 days or less is confined to a county detention facility. A juvenile receiving a term of confinement of over 30 days is placed in a state detention facility. Both the state and counties are required to provide educational programs to juveniles detained in their facilities who

have not met high school graduation requirements. The state and counties generally contract with school districts to provide educational programs.

Juvenile Offender Records

A juvenile's official court file is open to public inspection unless sealed. The court file includes the legal file of the juvenile court containing the petition or information, motions, memos, briefs, findings of the court, and court orders. All other records are confidential and may be released only under certain circumstances. Records—include records of any other juvenile justice or care agency. Juvenile justice or care agency includes police, diversion units, courts, prosecuting attorney, defense attorney, detention centers, attorney general, the Legislative Children's Oversight Committee, the Office of Family and Children's Ombudsman, the Department of Social and Health Services, schools, and other persons or public or private agencies having children committed to their custody.

Records of any juvenile justice or care agency may be released to other juvenile justice or care agencies only when an investigation or case involving the juvenile is being pursued by the other juvenile justice or care agency, or when the other juvenile justice or care agency is assigned the responsibility for supervising the juvenile.

A juvenile court administrator must notify a student's school principal if a student has been convicted of, or entered into a diversion agreement for, any of the following offenses: violent or sex offenses; inhaling toxic fumes; violations of the controlled substances provisions; liquor violations; or offenses relating to assault, kidnapping, harassment, arson, or malicious mischief. The principal must provide the criminal history information to the student's teachers, supervisors, and other personnel who need to know for security reasons.

In addition, the Department of Social and Health Services must notify the police and schools in the area when a juvenile who has committed a violent or sex offense, or stalking, is being discharged, paroled, released, or transferred from a facility.

Summary of Bill:

Before imposing a disposition, the juvenile court must inquire whether the juvenile has an existing individualized education program (IEP), and may consider the existence of an IEP before issuing the disposition.

The education program provided to juvenile offenders confined in county detention facilities must emphasize raising the reading skills of juveniles who are at least 11 years old to at least the sixth grade level. The court may take into consideration whether a juvenile is mentally or physically incapable of reading at that level.

A juvenile who has been released from a detention facility or who was under the court's supervision for any reason must remain under the court's supervision until that juvenile can either read at a sixth grade level or is no longer a juvenile. The court may require the juvenile to take reading tests at a school to evaluate his or her reading skills.

Juvenile justice or care agencies may release records regarding a juvenile to a school in which the juvenile is enrolled or requesting enrollment. Law enforcement agencies and prosecuting attorneys must cooperate with schools in releasing information to a school regarding an investigation, diversion, and prosecution of a juvenile enrolled in the school.

Fiscal Note: Requested February 2, 1999.

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

Office of Program Research