

SENATE BILL REPORT

SHB 1153

As Reported By Senate Committee On:
Education, April 1, 1999

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

Brief Description: Changing school safety provisions.

Sponsors: 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: 3/18/99, 4/1/99 [DPA].

SENATE COMMITTEE ON EDUCATION

Majority Report: Do pass as amended.

Signed by Senators McAuliffe, Chair; Eide, Vice Chair; Bauer, Brown, Finkbeiner, Goings, Kohl-Welles, Rasmussen, Swecker and Zarelli.

Staff: Natalie Adams (786-7444)

Background: Generally, records of juvenile offenders are confidential and may only be released under specifically enumerated circumstances provided by law. The Legislature has established procedures by which information about juvenile offenders may be shared by juvenile justice or care agencies, including schools, where necessary for safety reasons. These procedures were expanded in 1995 and 1997.

Notification of Release of Juvenile Offenders. When discharging, paroling, releasing, or transferring a juvenile who was convicted of a violent offense, a sex offense or stalking, the Department of Social and Health Services (DSHS) must provide written notice to the private or common school district where the juvenile intends to reside or last resided, whichever is appropriate.

If the juvenile returns to school after being released, the juvenile is prohibited from attending the same school as the victim or the victim's siblings. The parents of the juvenile must pay costs resulting from the juvenile's transfer to a new school.

Transfer Students. School districts must equally consider all resident and nonresident student applications for admission to school unless the acceptance of the nonresident student would result in financial hardship to the district, the student's records indicate a history of violent behavior or gang membership, or the student has been expelled or suspended from another school for more than ten consecutive days.

When enrolling a student from another district, the school may request the parent and the student to indicate whether the student has a history of being placed in special education programs, disciplinary action, violent behavior, unpaid fees to the old school or a health condition affecting educational needs. In addition, the new school must request the student's permanent record from the old school, including records of disciplinary action.

Summary of Amended Bill: Notification of Release of Juvenile Offenders. In addition to the circumstances already required, DSHS must notify the public or private school where the juvenile intends to reside that the juvenile has been transferred to a community residential facility. The community residential facility must then provide written notice of the juvenile's criminal history to the school the juvenile attends while residing at the residential facility.

To the extent possible, law enforcement and prosecuting attorneys may cooperate with schools in releasing information about a juvenile's investigation, diversion or prosecution. Law enforcement may release information about the juvenile to the maximum extent to assist schools in protecting students, staff and school property.

Transfer Students. A school may deny admission to a nonresident student whose records indicate convictions for criminal offenses.

When a school admits a student from another district, the new school must request the student's permanent record from the old school. In addition to records of attendance, immunization, academic performance and disciplinary action, the permanent record must contain a record of whether the student has a history of violent behavior or violent offenses, sex offenses, inhaling fumes, or using controlled substances or alcohol.

Parents of a student who transfers and enrolls in a new school district may provide information to the new school regarding the student's history.

When a school receives information that a student has a history of disciplinary action, violent behavior or criminal offenses that indicate the student could pose a threat to educational staff or other students, the school must provide this information to the student's teachers.

Amended Bill Compared to Substitute Bill: Parents are allowed to disclose information about a student's background to a new school, but are not required to do so. The provision that allows school districts to transfer, suspend, or expel a student whose parents have not disclosed information regarding the student's background is removed. Information that a student poses a threat to other students or educational staff must be given to the student's teachers. Language specifying that a school has responsibility for supervising juveniles is removed. The provision relating to law enforcement and prosecuting attorneys cooperating with schools in releasing information about the investigation, diversion, or prosecution of a juvenile is permissive, rather than mandatory.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Ensuring that our children are safe is at the forefront of this legislation. This bill resulted from a House Judiciary Committee hearing where the members asked what could make our schools safer. Law enforcement and school districts explained that currently no process exists for law enforcement to share information with schools about their experiences with children. This bill began as an effort to address that need, but was expanded and improved in the House Education Committee. Sharing of information is critical; therefore, the Public School Employees would like to see Section 4 of the bill expanded to allow schools to share information with all appropriate school employees who may have contact with the child, rather than just the teachers.

Testimony Against: If the committee is interested in supporting this bill, we believe it needs to be significantly amended to limit the amount of information being shared. The violent or disruptive students that the committee seems concerned about are covered in Section 1 of the bill. We believe that Section 4 is too expansive because it allows the release of information beyond actual convictions. The current law sufficiently addresses the concerns this bill is intended to rectify.

Testified: PRO: Representative Joyce McDonald, prime sponsor; Doug Nelson, Public School Employees; CON: Jerry Sheehan, American Civil Liberties Union.