

SENATE BILL REPORT

SB 5314

As Reported by Senate Committee On:
Government Operations, Tribal Relations & Elections, February 14, 2011

Title: An act relating to the public disclosure of information relating to child care and early learning services.

Brief Description: Regarding public disclosure of information relating to provision of child care and early learning services.

Sponsors: Senators Nelson, Carrell and McAuliffe; by request of Department of Early Learning.

Brief History:

Committee Activity: Government Operations, Tribal Relations & Elections: 2/07/11, 2/14/11 [DPS, DNP].

SENATE COMMITTEE ON GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS

Majority Report: That Substitute Senate Bill No. 5314 be substituted therefor, and the substitute bill do pass.

Signed by Senators Pridemore, Chair; Prentice, Vice Chair; Swecker, Ranking Minority Member; Nelson.

Minority Report: Do not pass.

Signed by Senator Roach.

Staff: Sharon Swanson (786-7447)

Background: The Public Records Act (PRA) requires that all state and local government agencies make all public records available for public inspection and copying unless they fall within certain statutory exemptions. The provisions requiring public records disclosure must be interpreted liberally while the exemptions are interpreted narrowly to effectuate the general policy favoring disclosure.

Summary of Bill (Recommended Substitute): Exempts from public disclosure and copying the personal information in any file maintained for a participant in an agency or community-based program including, but not limited to, early learning or child care services, parks and recreation programs, youth development, and after school programs.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

EFFECT OF CHANGES MADE BY GOVERNMENT OPERATIONS, TRIBAL RELATIONS & ELECTIONS COMMITTEE (Recommended Substitute): The substitute exempts the personal information in any file maintained for a participant in an agency or community-based program including, but not limited to, early learning or child care services, parks and recreation programs, youth development, and after school programs. The language was broadened to include a variety of community/agency sponsored programs and to include all individual participants, not just children.

Appropriation: None.

Fiscal Note: Available.

Committee/Commission/Task Force Created: No.

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

Staff Summary of Public Testimony on Original Bill: PRO: This is an important bill to protect the information of children in early learning environments. The Department of Early Learning received 400 record requests last year. The department's files contain very sensitive information about children. Licensing information may contain sensitive information about a domestic violence, abuse of a child, and identifying information. There are at least 5 percent of cases where a requesting party will not allow the department to redact sensitive information or identifying information about a child. The department has no choice but to send out the reports with out any redaction. Records are still released to law enforcement. This is a good bill that will protect children. There is no exemption to protect the information about pick up and drop-off information for example for a young child. If we start enumerating aspects of exemptions, the exemptions will be hollow and not apply to specific institutions anymore. Perhaps we do need a subsection that deals only with children.

Persons Testifying: PRO: Amy Blondin, Department of Early Learning; Rowland Thompson, Allied Daily Newspapers; Dave Stolier, Attorney General's Office.