

CIRCUIT COURT, BRANCH 1
EAU CLAIRE COUNTY

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LISA K. STARK, Judge

January 12, 2004

TO: THE COMMITTEE ON CORRECTIONS AND THE COURTS

RE: LETTER OF SUPPORT FOR ASSEMBLY BILL 709

Eau Claire County has had an active Juvenile Justice Oversight Committee since 1996. This committee is made up of key stakeholders from Eau Claire County, the City of Eau Claire and the Eau Claire School District. The mission of this committee is: "to promote a coordinated effort among Eau Claire County system stakeholders to achieve public safety and provide comprehensive family-based services with the goal of reducing juvenile crime and promoting strong families".

I have served as a member of this Committee for the past several years. During that time we have thoroughly studied and considered the concepts addressed in AB 709. The Committee believes that the enhanced ability to share information provided for in this Bill will assist in the protection of our schools and the provision of coordinated services for youth in our community. The Bill contains measures that have been adopted by at least 45 other states and we believe that passage of the Bill will assist us in achieving our mission.

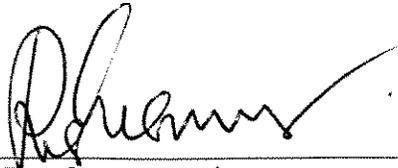
I strongly endorse Assembly Bill 709. By the signatures attached the other Committee members show their support for AB 709 as well. Thank you for your consideration.

Sincerely,



Lisa K. Stark
Circuit Court Judge, Branch 1

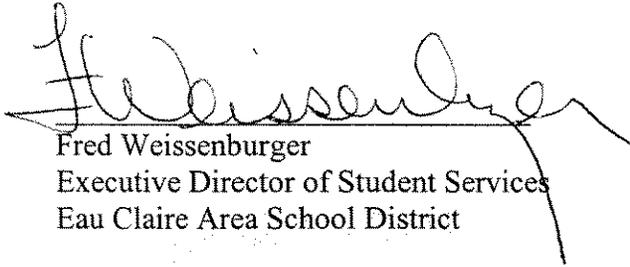
LKS:sb



Roy Sargeant, Director
Eau Claire County Human Services



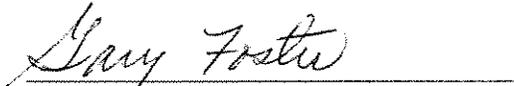
Rob Fadness, Director
Children's Division



Fred Weissenburger
Executive Director of Student Services
Eau Claire Area School District



Thomas Wirth
Direct Services Division Mgr.
Eau Claire County Human Services



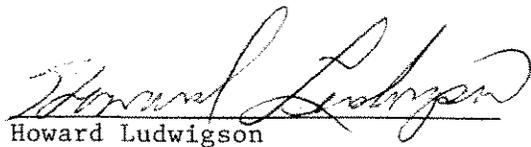
Gary Foster, Deputy Chief
Eau Claire Police Department



Bette Wahl, Project Coordinator
Eau Claire Coalition for Youth



Rich White, District Attorney
Eau Claire County



Howard Ludwigson
Eau Claire County Board Chair

James T. Dwyer
County Board Chair



January 14, 2004

TO: Representative Garey Bies, Chair
Members of the Assembly Committee on Corrections and the Courts

FR: Dave Krahn
Legislative Policy Advisor

RE: Assembly Bill 709 – Confidentiality of Pupil Records & Exchange of Information between
Law Enforcement Agencies and the Schools

Chapter 938 already permits our Health & Human Services Department to share information with schools and law enforcement, however it appears Assembly Bill 709 addresses the ability for schools to share more broadly their information with us, which is sound policy. However Waukesha County is concerned with the feature in the bill allowing law enforcement the authority to share with schools information about any suspected law violation committed by a student. Our feeling is that this is going overboard, and could compromise confidentiality, or be used to set a kid up who is challenging for the schools to deal with. Current law that provides for this sharing of information with regard to A & B felonies makes sense, as these are serious offenses that significantly impact the community and probably indicate a kid has serious problems the school should be aware of. Other lesser offenses that don't present potential danger to students or the public should remain confidential.

Waukesha County requests that Assembly Bill 709 be amended so that law enforcement agencies' authority to share with schools information about a student, would be limited to information regarding A & B felonies only.

Thank you.



Written Testimony - AB-709

**To: Members of the Committee on Corrections and the Courts
Honorable Garey Bies, Chair**

From: Charity Elson, Executive Director, WCCF



Date: January 14, 2004

Re: Opposition to AB-709

Thank you for this opportunity to comment on this important legislation.

WCCF has registered in opposition to this bill, because it greatly expands information exchange between schools and law enforcement without fully accounting for legitimate concerns about student privacy.

Our main concern is that parents and students and professionals involved in juvenile justice have not had their concerns included in the formulation of this bill. WCCF works closely with professionals involved in Integrated Services Programs (ISPs, sometimes called Wraparound) in over 30 counties. The wraparound philosophy, which guides juvenile programming in Wisconsin, has as its bedrock principle that families need to be centrally involved in the lives of their children. In particular, parents must be included at all stages of school and law enforcement activities affecting their children. County wraparound programs employing this philosophy have been very successful in reducing juvenile delinquency and "deep-end" juvenile criminal conduct, and greatly reduced public costs as a result.

The key to successful information sharing among all agencies has been the inclusion of the parents, specifically by requiring agencies to go to the parents to obtain permission for the sharing of information about their children. This has worked well, and we have never heard of a case where parents, once informed of the value of information sharing, have refused to grant permission to schools or law enforcement for this purpose.

We work closely with schools, DPI, and law enforcement in facilitating best practices around information sharing. We understand that schools and law enforcement have legitimate needs for information and can use that information to make very positive contributions to the families and communities involved. We feel that this bill could be greatly improved by stepping back and casting a wider net, to include the viewpoints of families, county program workers, mental health professionals and others.

We respectfully request that further consideration of this bill be postponed so that this broader discussion can occur.

Assembly Bill # 709

Testimony on January 14, 2004

By Dennis Dornfeld, Director, Waupaca County Dept Health and Human Services

My name is Dennis Dornfeld address N2594 Kelleen Dr., Waupaca, WI 54981. I have been a resident of Waupaca County for almost 30 years. I started my profession with Unified Health Services(UHS) of Shawano and Waupaca Counties in May of 1974 after receiving a Bachelor's and Masters Degree in Vocational Rehabilitation from the University of Wisconsin Stout, Menomonie, Wisconsin. UHS provided coordination/services under the newly created State Chapters 51.42 for Mental Health, Alcohol & Drug, and Developmental Disabilities. I was employed in various administrative capacities with UHS until the agency ended December 31, 1986. Prior to UHS ending, I was hired by Waupaca County in August of 1986 as Deputy Director to assist in forming the newly created Health and Human Services Department. I have been in my current position as Director of the Department for the past ten plus years.

I would like to share with you some of my perspectives as a long term public servant working in various administrative capacities with two separate agencies. I fully support the passing of this legislation to facilitate improved communications between our local community partners and in turn support our most valuable resources, our children and families.

Confidentiality of personal information of our customers/clients/neighbors/friends/family is an extremely important issue and can not be minimized. Agencies should place a high priority on protecting personal information about people's problems. Federal and State laws and rules are intended to shield troubled families from greater calamities, such as, to protect an abused child from further tramatization, humiliation, and/or hurtful remarks at school and community.

These same laws and rules have also created some major barriers for local community mental health service providers, juvenile court workers, school guidance counselors, law enforcement officers, grand parents, etc. to share information about a mutual child and/or family without a specific release of information. Given are laws and rules, these agencies/providers attempt to work within their own discipline areas to solve what they understand to be the child's and/or family problems/issues without knowing exactly what the another agency/provider is doing except by comments of the child/family.

Let me share with you my observations from almost 30 years of experience in government agencies. Generally, agencies/providers want to do the right thing for the child/family, however, the perceived laws and rules on confidentiality in their eyes restrict the sharing of information. This perception has limited the sharing of information

and thus created a lack of universal understanding by the agencies/providers of the child/family priorities in relation to their needs, resources, services required, etc. This lack of understanding by agencies/providers of the child/family priorities creates many unrealistic expectations of the child/family. These unrealistic expectations for the child/family lead to and set up failures and rapidly create negative/defensive feelings toward the agencies/providers by the family.

We blame the other agencies and/or providers for not doing their jobs and failing the child/family. The children/families blame the agencies/providers for not listening to their priority needs and setting up unrealistic expectations. Ultimately, we all blame the child/family for failing to cooperate with our plans not their plans.

Agencies (schools, law enforcement, department of social services) sharing information, on a need to know basis, will open the opportunity for earlier involvement with the community and resources to assist the child and family with confronting issues. Local agencies have protected the confidentiality of our clients/students/juveniles maintaining the laws and avoiding risk. These actions have left the child and family unintentionally isolated and alone from grand parents, neighbors, and the community as a whole. Improved information sharing will provide a better opportunity to design community strategies to deter at-risk juveniles at a younger age. Research has proven that early interventions with at risk juvenile children can reduce future delinquent acts. Also, reports indicate that delinquency by the very young is a predictor of more serious, violent, and chronic offending.

Government must take the risk to open the door for local community agencies to assist in building the future for our children and families. Even though this bill may not be perfect due to complexity of these issues, it brings to point the simple fact that all community agencies must communicate with each other to be effective in early intervention and prevention of delinquency in our communities.

Your support of this bill will lead us closer to healthier communities in Wisconsin, with neighbors helping neighbors, families caring about one another, and generally improved local community efforts to intervene and prevent at-risk juvenile behaviors.

Respectfully submitted,

Dennis Dornfeld



JEAN HUNDERTMARK

STATE REPRESENTATIVE

40TH ASSEMBLY DISTRICT

ASSISTANT MAJORITY LEADER

Assembly Bill 709 Testimony
Assembly Committee on Corrections & the Courts
Public Hearing
January 14, 2004

Chairman Bies and committee members, thank you for holding a hearing on a very important bill for the future of our children, Assembly Bill 709.

On April 20, 1999, the way we looked at troubled teens changed forever. That was the day when Eric Harris and Dylan Klebold came to Columbine High School and killed 12 of their classmates and one of their teachers. It was the deadliest shooting ever at a school in the United States.

I don't bring this up to evoke an emotion, but to prove a point. On at least two occasions, the County Sheriff had been alerted to the violent tendencies of at least one of the killers. But did the school know? Did the other local law enforcement officers know? Could these children have been helped before they committed this act?

This bill is aimed at giving our schools, law enforcement, and county social services the tools they need to help our children, especially those at-risk, from choosing the wrong path. Simply, this bill is about getting everyone to work together so they can give children the help they need before they make a terrible choice.

This bill is the product of hard work of a number of agencies in Waupaca County. Officials found that agencies were not communicating with one another when they recognized a troubled child. All seven of Waupaca County's school districts, all of the law enforcement departments, the District Attorney, the Clerk of Courts, the Circuit Court, the Department of Health and Human Services, the County Sheriff, as well as Lutheran Social Services have agreed to work together to help prevent children from becoming at-risk. They've signed an interagency agreement to share pupil records for those children that need help.

Unfortunately, Wisconsin juvenile records law will not allow them to carry out this agreement. This is why Assembly Bill 709 is so important. It makes three main changes to Wisconsin's juvenile records law.

- 1) It would permit law enforcement to release juvenile records to a school district if there is a belief that any state or federal crime has been committed.

Early Intervention
Privacy vs. Well-being of children

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- 2) School boards would be allowed to disclose student records to a law enforcement agency, District Attorney, City Attorney, corporation council, county Department of Health & Social Services, juvenile intake worker, or court for the purpose of providing services for the pupil to prevent adjudication from occurring.
- 3) Records created and maintained by a law enforcement unit of a school district would be treated like that of any law enforcement agency.

These changes would only be valid if the agencies I mentioned earlier would enter into an interagency agreement to release their records. If a school district does not want to participate in this agreement, they are not required to release any of their records.

It is time that we all worked together to help those children who need help the most. AB 709 will allow us to do just that.

