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Councilmember Charles Allen

A BILL

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IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

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To amend, on an emergency basis, due to congressional review, the Data-Sharing and Information Coordination Amendment Act of 2010 to allow the disclosure of health and human services information to aid in the development of the report on the root causes of youth crime and the prevalence of adverse childhood experiences among justice-involved youth; to amend the District of Columbia Mental Health Information Act of 1978 to allow the disclosure of mental health information when necessary to conduct an analysis of the root causes of youth crime and the prevalence of adverse childhood experiences among justice-involved youth; to amend the Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001 to extend the deadline for submission of the analysis of the root causes of youth crime and prevalence of adverse childhood experiences report to March 31, 2020, and to require that certain District agencies provide the Criminal Justice Coordinating Council with information necessary to complete the report; and to amend An Act To establish a Board of Indeterminate Sentence and Parole for the District of Columbia and to determine its functions, and for other purposes to clarify that amendments to section 3c of the act apply to all proceedings pending in any District of Columbia court that were initiated under that section, regardless of when those proceedings were initiated.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this act may be cited as the "Criminal Justice Coordinating Council Information Sharing Congressional Review Emergency Amendment Act of 2019".

Sec. 2. Section 102(a) of the Data-Sharing and Information Coordination Amendment Act of 2010, effective December 4, 2010 (D.C. Law 18-273; D.C. Official Code § 7-242(a)), is amended as follows:

39   (a) Paragraph (3)(K) is amended by striking the phrase "; and" and inserting a semicolon

40 in its place.

41   (b) Paragraph (4)(B) is amended by striking the period and inserting the phrase "; and" in

42 its place.

43   (c) A new paragraph (5) is added to read as follows:

44   "(5) To aid in the development of the report required by section 1505(b-3) of the

45 Criminal Justice Coordinating Council for the District of Columbia Establishment Act of 2001,

46 effective October 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234(b-3)).".

47   Sec. 3. Section 302 of the District of Columbia Mental Health Information Act of 1978,

48 effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1203.02), is amended as follows:

49   (a) Paragraph (2) is amended by striking the phrase "; or" and inserting a semicolon in its

50 place.

51   (b) Paragraph (3) is amended by striking the period and inserting the phrase "; or" in its

52 place.

53   (c) A new paragraph (4) is added to read as follows:

54   "(4) To meet the requirements of section 1505(b-3) of the Criminal Justice

55 Coordinating Council for the District of Columbia Establishment Act of 2001, effective October

56 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234(b-3)).".

57   Sec. 4. Section 1505 of the Criminal Justice Coordinating Council for the District of

58 Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official

59 Code § 22-4234), is amended as follows:

60   (a) Subsection (b-3) is amended by striking the phrase "On October 1, 2018" and inserting

61 the phrase "On March 31, 2020" in its place.

62   (b) A new subsection (b-4) is added to read as follows:

63   "(b-4) Upon request by the CJCC, and to aid in the development of the report required by

64   subsection (b-3) of this section, the following agencies shall provide, or cause to be provided, the

65   information listed below to the CJCC, including any associated personally identifying information:

66   "(1) For the Office of the State Superintendent of Education, the following

67   information for each student enrolled in a District of Columbia Public School or a District of

68   Columbia public charter school for the preceding 2 completed academic years:

69   "(A) Demographic information, including:

70   "(i) Name, address, and date of birth;

71   "(ii) Sex;

72   "(iii) Gender;

73   "(iv) Race; and

74   "(v) Ethnicity;

75   "(B) Enrollment data, including:

76   "(i) The school or campus attended by each student;

77   "(ii) The location of the school or campus;

78   "(iii) Whether the school or campus is an elementary school, middle

79   school, or high school;

80   "(iv) Whether the school or campus is a public school, public charter

81   school, or private school;

82   "(v) The student's grade level;

83   "(vi) Whether the student receives special education services;

84   "(vii) Whether the student is identified as homeless; and

85   "(viii) Whether the student is one year older, or more, than the

86 expected age for the grade in which the student is enrolled;

87   "(C) Attendance data;

88   "(D) Performance data, including:

89   "(i) Student performance on any District-wide assessments; and

90   "(ii) Grade advancement for students enrolled; and

91   "(E) Discipline data, including:

92   "(i) Total number of in-school suspensions, out-of-school

93 suspensions, involuntary dismissals, emergency removals, disciplinary unenrollment, voluntary

94 withdrawals or transfers, referrals to law enforcement, school-based arrests, or, for students with

95 disabilities, changes in placement, experienced by the student during each school year;

96   "(ii) Total number of days excluded from school;

97   "(iii) Whether the student was referred to an alternative education

98 setting for the duration of a suspension, and whether the student attended the alternative

99 education setting;

100   "(iv) Whether the student was subject to a disciplinary

101 unenrollment during the school year;

102   "(v) Whether the student voluntarily withdrew or voluntarily

103 transferred from the school during the school year;

104   "(vi) Whether the student was subject to referral to law

105 enforcement;

106   "(vii) Whether the student was subject to school-related arrest; and

107   "(viii) A description of the misconduct that led to or reasoning

108 behind each suspension, involuntary dismissal, emergency removal, disciplinary unenrollment,

109 voluntary withdrawal or transfer, referral to law enforcement, school-based arrest and, for

110 students with disabilities, change in placement;

111   "(2) For the Department of Health Care Finance, the following information for

112 individuals between the ages of 10 and 18:

113   "(A) Demographic information, including:

114   "(i) Name, address, and date of birth;

115   "(ii) Sex;

116   "(iii) Gender;

117   "(iv) Race; and

118   "(v) Ethnicity;

119   "(B) Enrollment data, including;

120   "(i) Eligibility start date;

121   "(ii) Eligibility end date; and

122   "(iii) Eligibility basis;

123   "(C) Claims data with mental, behavioral, and neurodevelopmental

124 disorder diagnoses or substance abuse diagnoses; and

125   "(D) Claims data with mental health or substance abuse procedures;

126   "(3) For the Department of Human Services, enrollment data for households

127 participating in the District's Temporary Assistance for Needy Families ("TANF") program,

128 including:

129   "(A) The name, address, and date of birth for each household member for

130 individuals between the ages of 10 and 18; and

131   "(B) Household income information; and

132   "(4) For the Child and Family Services Agency, the following information for

133 individuals between the ages of 10 and 18:

134   "(A) Demographic information, including:

135   "(i) Name, address, and date of birth;

136   "(ii) Sex;

137   "(iii) Gender;

138   "(iv) Race; and

139   "(v) Ethnicity;

140   "(B) Investigation data related to alleged child abuse or neglect, including:

141   "(i) Allegations made against the individual's parents, guardians,

142 or other custodians;

143   "(ii) Whether the allegations were substantiated or inconclusive;

144   "(iii) The date the investigation was completed or suspended;

145   "(iv) Whether the individual was removed from the home or

146 another location;

147   "(v) The reason for the removal; and

148   "(vi) The date of the removal; and

149   "(C) Family assessment data related to alleged child abuse or neglect,

150 including:

151   "(i) Allegations made against the individual's parents, guardians,

152   or other custodians;

153   "(ii) The date the family assessment was initiated;

154   "(iii) The date the family assessment was completed;

155   "(iv) Whether the family assessment resulted in the determination

156   that the family needs services or resulted in a referral for investigation; and

157   "(v) The reason the family assessment was closed.".

158   Sec. 5. Section 3c of An Act To establish a Board of Indeterminate Sentence and Parole

159   for the District of Columbia and to determine its functions, and for other purposes, effective

160   April 4, 2017 (D.C. Law 21-238; D.C. Official Code § 24-403.03), is amended by adding a new

161   subsection (f) to read as follows:

162   "(f) Any amendments to this section shall apply to all proceedings initiated under this

163   section, including any appeals thereof, in any District of Columbia court, including proceedings

164   that are pending as of the effective date of the Criminal Justice Coordinating Council

165   Information Sharing Emergency Amendment Act of 2019, effective July 24, 2019 (D.C. Act 23-

166   106; 66 DCR 9754), regardless of when those proceedings were initiated.".

167   Sec. 6. Fiscal impact statement.

168   The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact

169   statement required by section 4a of the General Legislative Procedures Act of 1975, approved

170   October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

171   Sec. 7. Effective date.

172   This act shall take effect following approval by the Mayor (or in the event of veto by the

173   Mayor, action by the Council to override the veto), and shall remain in effect for no longer than

174   90 days, as provided for emergency acts of the Council of the District of Columbia in section

175   412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;

176   D.C. Official Code § 1-204.12(a)).