

A BILL

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend, on an emergency basis, the Data-Sharing and Information Coordination Amendment Act of 2010 to allow the disclosure of health and human services information, provided that the disclosure does not permit the identity of an individual to be reasonably inferred or the entity receiving the information affirms in writing that any individually identifiable health information will be treated in accordance with the Health Insurance Portability and Accountability Act of 1996; 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 any amendments to section 3c of the act enacted into law shall apply to all proceedings pending in any District of Columbia court that were initiated under any prior version of that section.

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 Emergency Amendment Act of 2019”.

Sec. 2. Section 102(a)(4)(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)(4)(A)), is amended by striking the phrase “; and” and inserting the phrase “; or” in its place.

41 Sec. 3. Section 302 of the District of Columbia Mental Health Information Act of 1978,
42 effective March 3, 1979 (D.C. Law 2-136; D.C. Official Code § 7-1203.02), is amended as follows:

43 (a) Paragraph (2) is amended by striking the phrase “; or” and inserting a semicolon in its
44 place.

45 (b) Paragraph (3) is amended by striking the period and inserting the phrase “; or” in its
46 place.

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

48 “(4) To meet the requirements of section 1505(b-3) of the Criminal Justice
49 Coordinating Council for the District of Columbia Establishment Act of 2001, effective October
50 3, 2001 (D.C. Law 14-28; D.C. Official Code § 22-4234(b-3)).”.

51 Sec. 4. Section 1505 of the Criminal Justice Coordinating Council for the District of
52 Columbia Establishment Act of 2001, effective October 3, 2001 (D.C. Law 14-28; D.C. Official
53 Code § 22-4234), is amended as follows:

54 (a) Subsection (b-3) is amended by striking the phrase “On October 1, 2018” and inserting
55 the phrase “On March 31, 2020” in its place.

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

57 “(b-4) Upon request by the CJCC and to aid in the development of the report required by
58 subsection (b-3), the following agencies shall provide, or cause to be provided, the information
59 listed below to the CJCC, including any associated personally identifying information:

60 “(1) The Office of the State Superintendent of Education shall provide, or cause to
61 be provided, the following information for each student enrolled in a District of Columbia Public
62 School or a District of Columbia public charter school for the preceding 2 completed academic
63 years:

64 “(A) Demographic information, including:

65 “(i) Name, address, and date of birth;

66 “(ii) Sex;

67 “(iii) Gender;

68 “(iv) Race; and

69 “(v) Ethnicity;

70 “(B) Enrollment data, including:

71 “(i) The school or campus attended by each student;

72 “(ii) The location of the school or campus;

73 “(iii) Whether the school or campus is an elementary school, middle

74 school, or high school;

75 “(iv) Whether the school or campus is a public school, public charter

76 school, or private school;

77 “(v) The student’s grade level;

78 “(vi) Whether the student receives special education services;

79 “(vii) Whether the student is identified as homeless; and

80 “(viii) Whether the student is one year older, or more, than the

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

82 “(C) Attendance data;

83 “(D) Performance data, including:

84 “(i) Student performance on any District-wide assessments; and

85 “(ii) Grade advancement for students enrolled; and

86 “(E) Discipline data, including:

87 “(i) Total number of in-school suspensions, out-of-school
88 suspensions, involuntary dismissals, emergency removals, disciplinary unenrollment, voluntary
89 withdrawals or transfers, referrals to law enforcement, school-based arrests, or, for students with
90 disabilities, changes in placement, experienced by the student during each school year;

91 “(ii) Total number of days excluded from school;

92 “(iii) Whether the student was referred to an alternative education
93 setting for the duration of a suspension, and whether the student attended;

94 “(iv) Whether the student was subject to a disciplinary unenrollment
95 during the school year;

96 “(v) Whether the student voluntarily withdrew or voluntarily
97 transferred from the school during the school year;

98 “(vi) Whether the student was subject to referral to law enforcement;

99 “(vii) Whether the student was subject to school-related arrest; and

100 “(viii) A description of the misconduct that led to or reasoning
101 behind each suspension, involuntary dismissal, emergency removal, disciplinary unenrollment,
102 voluntary withdrawal or transfer, referral to law enforcement, school-based arrest and, for students
103 with disabilities, change in placement;

104 “(2) The Department of Health Care Finance shall provide, or cause to be provided,
105 the following information for individuals between the ages of 10 and 18:

106 “(A) Demographic information, including:

107 “(i) Name, address, and date of birth;

108 “(ii) Sex;

109 “(iii) Gender;

110 “(iv) Race; and
111 “(v) Ethnicity;
112 “(B) Enrollment data, including;
113 “(i) Eligibility start date;
114 “(ii) Eligibility end date; and
115 “(iii) Eligibility basis;
116 “(C) Claims data with mental, behavioral, and neurodevelopmental disorder
117 diagnoses or substance abuse diagnoses; and
118 “(D) Claims data with mental health or substance abuse procedures;
119 “(3) The Department of Human Services shall provide, or cause to be provided,
120 enrollment data for households participating in the District’s Temporary Assistance for Needy
121 Families (“TANF”) program, including:
122 “(A) The name, address, and date of birth for each household member for
123 individuals between the ages of 10 and 18; and
124 “(B) Household income information; and
125 “(4) The Child and Family Services Agency shall provide, or cause to be provided,
126 the following information for individuals between the ages of 10 and 18:
127 “(A) Demographic information, including:
128 “(i) Name, address, and date of birth;
129 “(ii) Sex;
130 “(iii) Gender;
131 “(iv) Race; and
132 “(v) Ethnicity;

133 “(B) Investigation data related to alleged child abuse or neglect, including:

134 “(i) Allegations made against the individual’s parents, guardians, or

135 other custodians;

136 “(ii) Whether the allegations were substantiated or inconclusive;

137 “(iii) The date the investigation was completed or suspended;

138 “(iv) Whether the individual was removed from the home or another

139 location;

140 “(v) The reason for the removal; and

141 “(vi) The date of the removal; and

142 “(C) Family assessment data related to alleged child abuse or neglect,

143 including:

144 “(i) Allegations made against the individual’s parents, guardians, or

145 other custodians;

146 “(ii) The date the family assessment was initiated;

147 “(iii) The date the family assessment was completed;

148 “(iv) Whether the family assessment resulted in the determination

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

150 “(v) The reason the family assessment was closed.”.

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

152 for the District of Columbia and to determine its functions, and for other purposes, approved July

153 15, 1932 (47 Stat. 697; D.C. Official Code § 24-403.03), is amended by adding a new subsection

154 (f) to read as follows:

155 “(f) Any amendments to this section enacted into law shall apply to all proceedings pending
156 in any District of Columbia court that were initiated under any prior version of this section.”.

157 Sec. 6. Fiscal impact statement.

158 The Council adopts the fiscal impact statement of the Budget Director as the fiscal impact
159 statement required by section 4a of the General Legislative Procedures Act of 1975, approved
160 October 16, 2006 (120 Stat. 2038; D.C. Official Code § 1-301.47a).

161 Sec. 7. Effective date.

162 This act shall take effect following approval by the Mayor (or in the event of veto by the
163 Mayor, action by the Council to override the veto), and shall remain in effect for no longer than
164 90 days, as provided for emergency acts of the Council of the District of Columbia in section
165 412(a) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 788;
166 D.C. Official Code § 1-204.12(a)).