

House Research Act Summary

CHAPTER: 451

SESSION: 2000 Regular Session

TOPIC: Data Sharing Between Schools and Juvenile Justice System

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Overview

The act (1) authorizes public and private schools to give the juvenile justice system specified information about a juvenile on probation, (2) expands the juvenile court disposition orders schools will get, and (3) clarifies how disposition orders can be used by schools.

1 **Access by juvenile justice system.** Amends the provision of the Minnesota Government Data Practices Act that deals with disclosure of educational data. Allows the following data on a student who is on probation to be disclosed to the juvenile justice system to serve the student or protect staff or other students:

- use of a controlled substance, alcohol, or tobacco;
- assaultive or threatening conduct that could result in dismissal from school;
- possession or use of weapons or look-alike weapons;
- participation in statutorily defined gang activity;
- theft; or
- vandalism or other property damage.

Requires that to the extent permitted by federal law, the school must notify the student's parent or guardian when a disclosure is made. Requires a request for access to this data to include an explanation why access is necessary to serve the student or protect staff and other students.

States that this provision does not limit disclosure of educational data by court order.

2 **Disposition orders received by schools.** Amends the data practices act section of cross references to insert a reference to section 3 of the act.

3 **Receipt of disposition order; sharing.** Requires that when a superintendent or chief

administrative officer of a school receives a juvenile court disposition order, the order immediately must be transmitted to the principal (or other person who has general control or supervision) of the student's school. The principal must place the order in the student's permanent education record and notify any counselor directly supervising or reporting on the student's progress or behavior. The principal also must immediately notify any teacher or administrator who directly supervises or reports on the student if that individual needs the data to work with the student appropriately, to avoid being vulnerable, or to protect others from vulnerability. The principal may notify other district employees, volunteers, or substitutes who are in direct contact with the juvenile if the same needs apply. If the disposition order so requires, a notice from the principal must identify the student, outline the offense, and describe probation conditions about which the school must provide information.

Classifies a disposition order received by the school as private data that is received for the limited purpose of serving the student's educational needs and protecting other students and staff. Prohibits anyone who receives the data from further disseminating it except to serve the student, to protect staff and other students, or as required by law. Permits dissemination for these purposes only to the juvenile and parent or guardian, law enforcement officers, and the juvenile's probation officer.

If a juvenile is removed from school as part of the disposition order, the superintendent must keep the order in a secure file and notify the principal when the juvenile returns to school. If the juvenile goes to another school, the probation officer must send the disposition order to the new superintendent or principal.

Requires the disposition order to be included in the student's permanent record if the student transfers to another school or school district. Relocates existing language that requires that a disposition order for specified felonies which is received by a school district must be destroyed the earlier of (1) when the student graduates from school, or (2) at the end of the academic year that the student turns 23. Requires that a disposition order for any offense other than the previously existing list of felonies be destroyed when the student completes probation

- 4 **Disposition order; copy to school.** Amends the law on sending juvenile court disposition orders to a juvenile's school. Directs that the order be sent to the superintendent rather than the principal.

Lets the juvenile's probation officer send the court disposition order to the superintendent if the juvenile is on probation for an offense not included in the list of felonies where it is mandatory to send the disposition order to the school. Requires the probation officer to notify the superintendent when the juvenile is discharged from probation. Stricken language is relocated by the act.