

---

---

## SENATE BILL No. 220

---

### DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 20-10.1-22.4-3; IC 31-9-2-113.5; IC 31-39-2-13.5; IC 34-30-2-85.5.

**Synopsis:** Communication between schools and juvenile courts. Provides that a school is entitled to receive juvenile court records for a student of the school under certain circumstances. Provides immunity for improper disclosures of education records made in good faith.

**Effective:** July 1, 2004.

---

---

**Long**

---

---

January 8, 2004, read first time and referred to Committee on Judiciary.

---

---

C  
o  
p  
y



Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

C  
o  
p  
y

**SENATE BILL No. 220**



A BILL FOR AN ACT to amend the Indiana Code concerning family law and juvenile law.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 20-10.1-22.4-3, AS AMENDED BY P.L.2-2003,  
2 SECTION 59, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
3 JULY 1, 2004]: Sec. 3. (a) As used in this section, "juvenile justice  
4 agency" has the meaning set forth in IC 10-13-4-5.  
5 (b) A school corporation or other entity to which the education  
6 records privacy provisions of the federal Family Educational Rights  
7 and Privacy Act (20 U.S.C. 1232g) apply may disclose or report on the  
8 education records of a child, including personally identifiable  
9 information contained in the education records, without the consent of  
10 the child's parent, guardian, or custodian, under the following  
11 conditions:  
12 (1) The disclosure or reporting of education records is to a state  
13 or local juvenile justice agency.  
14 (2) The disclosure or reporting relates to the ability of the juvenile  
15 justice system to serve, before adjudication, the student whose  
16 records are being released.  
17 (3) The juvenile justice agency receiving the information certifies,



1 in writing, to the entity providing the information that the agency  
 2 or individual receiving the information has agreed not to disclose  
 3 it to a third party, other than another juvenile justice agency,  
 4 without the consent of the child's parent, guardian, or custodian.

5 (c) For purposes of subsection (b)(2), a disclosure or reporting of  
 6 education records concerning a child who has been adjudicated as a  
 7 delinquent child shall be treated as related to the ability of the juvenile  
 8 justice system to serve the child before adjudication if the juvenile  
 9 justice agency seeking the information provides sufficient information  
 10 to enable the keeper of the education records to determine that the  
 11 juvenile justice agency seeks the information in order to identify and  
 12 intervene with the child as a juvenile at risk of delinquency rather than  
 13 to obtain information solely related to supervision of the child as an  
 14 adjudicated delinquent child.

15 **(d) A school corporation or other entity to which the education  
 16 records privacy provisions of the federal Family Educational  
 17 Rights and Privacy Act (20 U.S.C. 1232g) apply that:**

18 **(1) discloses or reports on the education records of a child,  
 19 including personally identifiable information contained in the  
 20 education records, in violation of this section; and**

21 **(2) at the time of the disclosure or reporting believes in good  
 22 faith that the disclosure or reporting is made in compliance  
 23 with this section;**

24 **is immune from civil liability.**

25 SECTION 2. IC 31-9-2-113.5 IS ADDED TO THE INDIANA  
 26 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 27 [EFFECTIVE JULY 1, 2004]: **Sec. 113.5. "School", for purposes of  
 28 IC 31-39-2-13.5, means a public school (as defined in  
 29 IC 20-10.1-1-2) or a non-public school (as defined in  
 30 IC 20-10.1-1-3) that must comply with the education records  
 31 privacy provisions of the Family Educational Rights and Privacy  
 32 Act (20 U.S.C. 1232g) to be eligible to receive designated federal  
 33 education funding.**

34 SECTION 3. IC 31-39-2-13.5 IS ADDED TO THE INDIANA  
 35 CODE AS A NEW SECTION TO READ AS FOLLOWS  
 36 [EFFECTIVE JULY 1, 2004]: **Sec. 13.5. (a) The juvenile court shall  
 37 grant a school access to the juvenile court records of a child who is  
 38 a student at the school if the school submits a written request that  
 39 meets the requirements of subsection (b).**

40 **(b) A written request must establish that the juvenile court  
 41 records described in subsection (a) are necessary for the school to:**

42 **(1) serve the educational needs of the child whose records are**

**C  
 O  
 P  
 Y**



1           **being released;**  
 2           **(2) protect the safety or health of a student, an employee, or**  
 3           **a volunteer at the school; or**  
 4           **(3) ensure that the child has complied with the school's rules**  
 5           **and regulations.**  
 6           **(c) A juvenile court that releases juvenile court records under**  
 7           **this section shall issue an order requiring the school to keep the**  
 8           **juvenile court records confidential. A confidentiality order issued**  
 9           **under this subsection does not prohibit a school that receives**  
 10           **juvenile court records from forwarding the juvenile records to:**  
 11           **(1) another public school or non-public school; or**  
 12           **(2) a person if a parent, guardian, or custodian of the child**  
 13           **consents to the release of the juvenile court records to the**  
 14           **person.**  
 15           **A public school, a non-public school, or a person that receives**  
 16           **juvenile court records under this subsection must keep the juvenile**  
 17           **court records confidential.**  
 18           SECTION 4. IC 34-30-2-85.5 IS ADDED TO THE INDIANA  
 19           CODE AS A **NEW** SECTION TO READ AS FOLLOWS  
 20           [EFFECTIVE JULY 1, 2004]: **Sec. 85.5. IC 20-10.1-22.4-3**  
 21           **(Concerning the disclosure or reporting of education records of a**  
 22           **child).**

**C  
o  
p  
y**

