



January 30, 2004

SENATE BILL No. 220

DIGEST OF SB 220 (Updated January 28, 2004 12:45 pm - DI 106)

Citations Affected: IC 20-10.1; IC 31-9; IC 31-39; IC 34-30.

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, Broden

January 8, 2004, read first time and referred to Committee on Judiciary.
January 29, 2004, amended, reported favorably — Do Pass.

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SB 220—LS 6934/DI 105+



January 30, 2004

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.

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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,

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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:**

- 29 (1) **public school (including a charter school as defined in**
- 30 **IC 20-5.5-1-4); or**
- 31 (2) **non-public school (as defined in IC 20-10.1-1-3);**

32 **that must comply with the education records privacy provisions of**
33 **the Family Educational Rights and Privacy Act (20 U.S.C. 1232g)**
34 **to be eligible to receive designated federal education funding.**

35 SECTION 3. IC 31-39-2-13.5 IS ADDED TO THE INDIANA
36 CODE AS A NEW SECTION TO READ AS FOLLOWS
37 [EFFECTIVE JULY 1, 2004]: **Sec. 13.5. (a) The juvenile court may**
38 **grant a school access to all or a portion of the juvenile court**
39 **records of a child who is a student at the school if:**

- 40 (1) **the superintendent, or the superintendent's designee;**
- 41 (2) **the chief administrative officer of a nonpublic school, or**
- 42 **the chief administrative officer's designee; or**

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1 **(3) the individual with administrative control within a charter**
 2 **school, or the individual's designee;**
 3 **submits a written request that meets the requirements of**
 4 **subsection (b).**
 5 **(b) A written request must establish that the juvenile court**
 6 **records described in subsection (a) are necessary for the school to:**
 7 **(1) serve the educational needs of the child whose records are**
 8 **being released; or**
 9 **(2) protect the safety or health of a student, an employee, or**
 10 **a volunteer at the school.**
 11 **(c) A juvenile court that releases juvenile court records under**
 12 **this section shall provide notice to the child and to the child's**
 13 **parent, guardian, or custodian that the child's juvenile records**
 14 **have been disclosed to the school.**
 15 **(d) A juvenile court that releases juvenile court records under**
 16 **this section shall issue an order requiring the school to keep the**
 17 **juvenile court records confidential. A confidentiality order issued**
 18 **under this subsection does not prohibit a school that receives**
 19 **juvenile court records from forwarding the juvenile records to:**
 20 **(1) another school; or**
 21 **(2) a person if a parent, guardian, or custodian of the child**
 22 **consents to the release of the juvenile court records to the**
 23 **person.**
 24 **A school or a person that receives juvenile court records under this**
 25 **subsection must keep the juvenile court records confidential.**
 26 **SECTION 4. IC 34-30-2-85.5 IS ADDED TO THE INDIANA**
 27 **CODE AS A NEW SECTION TO READ AS FOLLOWS**
 28 **[EFFECTIVE JULY 1, 2004]: Sec. 85.5. IC 20-10.1-22.4-3**
 29 **(Concerning the disclosure or reporting of education records of a**
 30 **child).**

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SENATE MOTION

Madam President: I move that Senator Broden be added as second author of Senate Bill 220.

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COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 220, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

Page 2, line 28, delete "a" and insert "**a**:"

(1)".

Page 2, line 28, delete "(as defined in" and insert "**(including a charter school as defined in IC 20-5.5-1-4);**";

Page 2, line 29, delete "IC 20-10.1-1-2)".

Page 2, line 29, delete "a" and insert:

"(2)".

Page 2, line 30, after "IC 20-10.1-1-3)" insert ";".

Page 2, line 30, beginning with "that" begin a new line blocked left.

Page 2, line 36, delete "shall" and insert "**may**".

Page 2, line 37, after "to" insert "**all or a portion of**".

Page 2, line 38, delete "if" and insert "**if**".

Page 2, line 38, delete "the school submits a written request that" and begin a new line block indented and insert:

"(1) the superintendent, or the superintendent's designee;

(2) the chief administrative officer of a nonpublic school, or the chief administrative officer's designee; or

(3) the individual with administrative control within a charter school, or the individual's designee;

submits a written request that meets the requirements of subsection (b).".

Page 2, delete line 39.

Page 3, line 1, after "released;" insert "**or**".

Page 3, line 3, delete "school; or" and insert "**school**".

Page 3, delete lines 4 and 5, begin a new paragraph and insert:

"(c) A juvenile court that releases juvenile court records under this section shall provide notice to the child and to the child's parent, guardian, or custodian that the child's juvenile records have been disclosed to the school."

Page 3, line 6, delete "(c)" and insert "**(d)**".

Page 3, line 11, delete "public school or non-public".

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Page 3, line 15, delete "public school, a non-public school," and insert "**school**".

and when so amended that said bill do pass.

(Reference is to SB 220 as introduced.)

BRAY, Chairperson

Committee Vote: Yeas 8, Nays 0.

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