FERPA PROVISIONS

The District may disclose personally identifiable information from an education record of a student without the consent required by the Family Educational Rights and Privacy Act of 1974 (FERPA) (20 U.S.C. 1232g) [see FL] if:

1. The disclosure is to state and local officials or authorities to whom this information is specifically allowed to be reported or disclosed, pursuant to state statute adopted after November 19, 1974; and

2. The state statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released.

The officials and authorities to whom the records are disclosed must certify in writing to the District that the information will not be disclosed to any other party, except as provided under state law, without the prior written consent of the parent of the student.

34 CFR 99.31(a)(5) , 99.38

JUVENILE SERVICE PROVIDER

The Superintendent or designee shall disclose information in a student's educational records to a juvenile service provider as required by Family Code 58.0051.

The District is not required or authorized to release student-level information except in conformity with the FERPA. [See FL]

Education Code 37.084

DEFINITIONS

For purposes of the following provisions, "educational records" means records in the possession of the District that contain information relating to a student, including information relating to the student's identity, special needs, educational accommodations, assessment or diagnostic test results, attendance records, disciplinary records, medical records, and psychological diagnoses.

"Juvenile service provider" means a governmental entity that provides juvenile justice or prevention, medical, educational, or other support services to a juvenile. The term includes:

1. A state or local juvenile justice agency as defined by Family Code 58.101;

2. Health and human services agencies, as defined by Government Code 531.001 and the Health and Human Services Commission;

3. The Department of Public Safety;

4. The Texas Education Agency;

5. An independent school district;
6. A juvenile justice alternative education program;
7. A charter school;
8. A local mental health or mental retardation authority;
9. A court with jurisdiction over juveniles;
10. A district attorney's office;
11. A county attorney's office; and
12. A children's advocacy center established under Family Code 264.402.

"Student" means a person who is registered or in attendance at a primary or secondary educational institution and is younger than 18 years of age.

Family Code 58.0051(a)

DISCLOSURE OF EDUCATIONAL RECORDS

At the request of a juvenile service provider, the District shall disclose to the service provider confidential information in a student's educational records if the student has been taken into custody under Family Code 52.01 [see GRA] or referred to a juvenile court for allegedly engaging in delinquent conduct or conduct indicating a need for supervision. The District shall comply with the request regardless of whether other state law makes the information confidential.

If the District discloses confidential information to a juvenile service provider, the District may not destroy a record of the disclosed information before the seventh anniversary of the date the information is disclosed.

Family Code 58.0051(b)–(d)

CERTIFICATION FROM REQUESTOR

The juvenile service provider that receives the confidential information from the District shall certify in writing that the provider has agreed not to disclose the information to a third party, other than another juvenile service provider. The provider shall use the confidential information only to verify the identity of a student involved in the juvenile justice system and to provide delinquency prevention or treatment services to the student. *Family Code 58.0051(e)*

INTERNAL PROTOCOL AND MEMORANDUM OF UNDERSTANDING

The District may establish an internal protocol for sharing information with other juvenile service providers as necessary to efficiently and promptly disclose and accept the information. The protocol may specify the types of information that may be shared under

Family Code 58.0051 without violating federal law, including any federal funding requirements.

The District may enter into a memorandum of understanding with another juvenile service provider to share information according to the District's protocols. The District shall comply with Family Code 58.0051 regardless of whether the District establishes an internal protocol or enters into a memorandum of understanding, unless compliance would violate federal law.

Family Code 58.0051(f)

CONFIDENTIALITY OF INFORMATION

Family Code 58.0051 does not affect the confidential status of the information being shared. The information may be released to a third party only as directed by a court order or as otherwise authorized by law. Personally identifiable information disclosed to a juvenile service provider under this section is not subject to disclosure to a third party under Government Code Chapter 552. *Family Code 58.0051(g)*

FEE

A juvenile service provider that requests information under this section shall pay a fee to the District in the same amounts charged for the provision of public information under Government Code Chapter 552 [Public Information Act, see GBAA], unless:

1. The provider and the District have entered into a memorandum of understanding that prohibits the payment of a fee, provides for the waiver of a fee; or provides an alternate method of assessing a fee;
2. The District waives the payment of the fee; or
3. Disclosure of the information is required by other law.

Family Code 58.0051(g)

JUVENILE JUSTICE INFORMATION SYSTEM

Juvenile justice agencies in a county or region of Texas may jointly create and maintain a local juvenile justice information system in accordance with Family Code Chapter 58, Subchapter D. A local juvenile justice information system shall include each public school district in the county. *Family Code 58.303, .305*

Districts that are served by a local juvenile justice information system shall have Level 1 Access. Level 1 Access is information that relates to a child:

1. Who:
    a. A school official has reasonable grounds to believe has committed an offense for which a report is required under Education Code 37.015; or

b. Has been expelled, the expulsion of which is required to be reported under Family Code 52.041; and

2. Who has not been charged with a fineable only offense, a status offense, or delinquent conduct.

Family Code 58.306

Information that is part of a local juvenile justice information system is not public information and may not be released, except as authorized by law. *Family Code 58.307*