

Understanding FERPA

Sharing Education Records of Children in the Juvenile Justice System

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Introduction

Children in the juvenile justice system have a high-risk of falling behind educationally and dropping out of school.¹ Responsible and efficient sharing of education records with juvenile justice stakeholders can help stop these negative outcomes.² If done with careful attention to children’s and parents’ rights, the sharing of personally identifiable education information can connect children with needed educational services, reduce duplication of effort, enhance the system’s understanding of the child’s needs, promote coordinated case planning, and, perhaps most importantly, prevent the child’s further involvement with the juvenile justice system.³ Balancing a child’s legally protected privacy rights with the need for effective communication among systems is a challenging task.

This publication discusses the challenging task of sharing education records with juvenile justice staff in compliance with federal law, the Family Educational Rights and Privacy Act (FERPA) and its recent amendment the Uninterrupted Scholars Act (USA).⁴ FERPA protects the privacy of students’ “education records” but permits the sharing of education records under certain circumstances.⁵ While this publication discusses the sharing of education records with juvenile justice agency stakeholders, it does not address sharing juvenile justice records with schools, which may trigger a different set of legal protections and distinct concerns related to youth confidentiality.

What is the Family Educational Rights and Privacy Act (FERPA), and to which educational entities does it apply?

FERPA gives “parents” or “eligible students” certain rights with respect to “education records” including the right to inspect and review those records, and the right to consent to their release.⁶ The regulations promulgated pursuant to FERPA define a parent as “a parent of a student and includes a natural parent, a guardian, or an individual acting as a parent in the

¹ LeBlanc, L., Pfannenstiel, J., & Tashjian, M. (1991). *Unlocking learning: Chapter 1 in correctional facilities—Final report: National Study of the Neglected or Delinquent Program*. Prepared for the U.S. Department of Education. Rockville, MD: Westat; R. Balfanz, K. Spiridakis, R. Neild, and N. Legters. (2003). High poverty secondary schools and the juvenile justice system: How neither helps the other and how that could change. *New Directions for Youth Development*, 99, pp. 71-89.

² See U.S. DEPT’S EDUC. & JUST., *Guiding Principles for Providing High-Quality Education in Juvenile Justice Secure Care Settings*, at 3-6; 20-23 (2014), www.ed.gov/correctionaled.

³ See generally MODELS FOR CHANGE *Information Sharing Toolkit*, second edition, Category One (Dec. 23, 2014) www.jlc.org/infosharetoolkit

⁴ 20 U.S.C. § 1232

⁵ *Id.*

⁶ For more information, see LEGAL CENTER FOR FOSTER CARE AND EDUCATION, *How The Uninterrupted Scholars Act Helps Child Welfare Staff Advocate For Youth In Care* available at http://www.fostercareandeducation.org/DesktopModules/Bring2mind/DMX/Download.aspx?portalid=0&EntryId=1833&Command=Core_Download, hereinafter “How the USA helps Child Welfare Staff.”

absence of a parent or guardian.”⁷ Jurisdictions may also consider a foster parent or other caretaker as the parent under FERPA and therefore grant each the right to access education records.⁸ An “eligible student” is a student 18 or older or engaged in post-secondary education.⁹

Generally, under FERPA, a parent or eligible student must provide a signed and dated written consent before a school can disclose personally identifiable information (PII) regarding a student.¹⁰ PII includes a student’s name, the names of the student’s parents, the student’s address, social security number or student ID number, and any of personal characteristics or other information that would make the student’s identity easily traceable.¹¹

FERPA applies to all educational agencies and institutions, including post-secondary institutions that receive funds under any program administered by the Secretary of Education (“Department”). This includes local education agencies (“LEAs”) that administer educational programs in juvenile justice facilities and facilities that receive Department funding to operate on-site schools. In this publication, the term “schools” refers to educational institutions that must abide by FERPA.

⁷ 34 CFR § 99.3 definition of “Parent.”

⁸ This interpretation is supported by the Department of Education’s comments in 61 Fed. Reg. 59291, 59294 (1996) (responding to concerns about the lack of a provision on the rights of foster parents to access education records, the Department stated: “The regulations already define the term parent in §99.3 to include ‘a parent of a student and includes a natural parent, a guardian, or an individual acting as the parent in the absence of a parent or a guardian.’ Thus, foster parents who are acting as a child’s parent would have the rights afforded parents under FERPA with respect to that child’s education records.”) For further explanation, see Kathleen McNaught, *Mythbusting, breaking Down Confidentiality and Decision-Making Barriers to Meet the Educational Needs of Children in Foster Care*, at 26 (2005), http://www.fostercareandeducation.org/Database.aspx?EntryId=1434&Command=Core_Download&met hod=inline. A few jurisdictions codified FERPA’s regulations to establish that, in certain circumstances, the child welfare agency can be considered the “parent” under FERPA. NYC: New York City Board of Education, Regulations of the Chancellor, A-820 III (D)- (Student Records: Confidentiality, Access, Disclosure and Retention) (defining parent as “a natural parent, a guardian, or an individual acting as a parent in the absence of a parent or guardian, *including the representative of a foster care agency, who provides ongoing custodial care* (emphasis added)); Fla. Code Ch. 29 §1000.21(5) (defining parent as “either or both parents of a student, any guardian of a student, any person in a parental relationship, or any person exercising supervisory authority over a student in place of the parent).

⁹ See 34 C.F.R. § 99.3.

¹⁰ 34 C.F.R. §99.30.

¹¹ 20 U.S.C. 1232g

How did the Uninterrupted Scholars Act (USA) amend FERPA?

In January 2013, the USA amended FERPA to make it easier for caseworkers to obtain education records for children in foster care.¹² Parents' right to restrict the disclosure of PII from their child's education records under FERPA is subject to a number of exceptions.¹³ The USA added a new exception for all children in out-of-home child welfare placements, including out-of-home kinship care and various forms of congregate care.¹⁴ Here, we refer to these out-of-home placements as "foster care."

The USA permits education agencies to disclose PII from a student's education records without parental consent to:

[A]n agency caseworker or other representative of a State or local child welfare agency, or tribal organization (as defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b)), who has the right to access a student's case plan, as defined and determined by the State or tribal organization, when such agency or organization is legally responsible, in accordance with State or tribal law, for the care and protection of the student, provided that the education records, or the personally identifiable information contained in such records, of the student will not be disclosed by such agency or organization, except to an individual or entity engaged in addressing the student's education needs and authorized by such agency or organization to receive such disclosure and such disclosure is consistent with the State or tribal laws applicable to protecting the confidentiality of a student's education records.¹⁵

Throughout this publication, we refer to a State or local child welfare agency, or tribal organization" as a "child welfare agency." A "case plan" is defined under federal law as "a written document" that must include, among other information, the "health and education records" of the children in out-of-home care by the child welfare agency.¹⁶ State law determines when a child welfare agency is "legally responsible" for a child's care and protection.¹⁷

¹² 20 U.S.C. § 1232(b)(1)(L) and (b)(2)(B).

¹³ See *Models for Change Information Sharing Toolkit*, second edition, FEDERAL LAWS (Dec. 23, 2014) www.jlc.org/infosharetoolkit

¹⁴ See U.S. DEP'T. OF ED., *Guidance on the Amendments to the Family Educational Rights and Privacy Act by the Uninterrupted Scholars Act*, May 2014, at 7-9, available at <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/uninterrupted-scholars-act-guidance.pdf> (hereinafter "FPCO Guidance").

¹⁵ 20 U.S.C § 1232g(b)(1)(L).

¹⁶ 42 U.S.C. § 675(1).

¹⁷ 20 U.S.C § 1232g(b)(1)(L).

Why was this exception in the USA needed?

Professionals who work in the child welfare systems need accurate information about their clients' education needs to support learning and to make informed placement recommendations to the court. When educational information is responsibly shared with child welfare agencies, it can help courts to ensure that a child's future living placements are close to the child's current school and provide necessary educational supports.

Prior to the passage of the USA in 2013, court orders were the only way for child welfare caseworkers to access education records without parental consent. This delayed caseworkers' receipt of records and inhibited their ability to advocate for their clients. The USA aimed to speed up caseworkers' access to education records while protecting the confidentiality of students' PII.

How does the USA affect students involved with the juvenile justice system?

The USA allows child welfare caseworkers to obtain the school records of students involved in the juvenile justice system when those students, under state law, are considered to be the legal responsibility of a child welfare agency. For students with no open child welfare case, the USA may apply if a child has been placed in foster care through the delinquency system. This often occurs when a child is in a Title IV-E eligible foster care placement and meets the other Title IV-E requirements for foster care maintenance payments.¹⁸ In such situations, the USA applies because the child welfare agency is "legally responsible... for the care and protection of the student."¹⁹ Other youth placed in foster care as a result of delinquency may also qualify under the USA. Check your state's laws and regulations on Title IV-E funding and case responsibility structures.

¹⁸ Delinquent children will be IV-E eligible when they: (1) *have been removed from relatives* who meet the IV-E financial eligibility requirements established in the Aid to Families with Dependent Children (AFDC) eligibility criteria from 1996; (2) *satisfy substantive findings* that removing the child from home was in child's best interests (and that leaving child at home would have been contrary to the child's interests) and that the State made "reasonable efforts" to keep the child safely at home; and (3) are *placed in foster care*, defined as private child care institution, or a public child care institution which accommodates no more than twenty-five children, which is licensed by the State in which it is situated or has been approved, by the agency of such State responsible for licensing or approval of institutions of this type, as meeting the standards established for such licensing, *but the term shall not include detention facilities, forestry camps, training schools, or any other facility operated primarily for the detention of children who are determined to be delinquent.* 42 U.S.C. §672; 42 U.S.C. §672(3)(c)(2).

¹⁹ 20 U.S.C § 1232g(b)(1)(L).

When can a case worker or other agency representative redisclose personally identifiable information from a child’s education record to individuals/entities within the juvenile justice system?

When schools disclose education records to child welfare agency caseworkers through the USA exception, caseworkers may only share the records with others who are engaged in addressing the student’s educational needs and are authorized by the agency to receive such disclosure, and such disclosure is consistent with the state or tribal laws.²⁰

To date, no federal guidance specifically addresses the release of information to juvenile justice personnel, such as probation officers, counselors, or juvenile justice facility staff. However, in analyzing a somewhat analogous scenario, federal guidance has explicitly recognized that independent contractors of a child welfare agency or tribal organization who are “engaged in addressing the student’s educational needs” may legally receive PII from a child welfare agency.²¹ States should explicitly consider risks and benefits of redisclosing information to juvenile justice personnel. For example, juvenile probation officers or court officers have obligations not only to ensure the child’s educational success, but also to report behavior to the courts. Sharing information with courts in delinquency cases, however, is not contemplated by the Uninterrupted Scholars Act. To address this issue, states should develop policies and protocols to ensure that education records, when released, is used only for the purpose of addressing the student’s educational needs.²²

While a student who is 18 or in post-secondary school can generally consent to the release of his or her education records, federal guidance has stated that the “USA governs the disclosure of PII from the education records of an eligible student in the same fashion as it governs the disclosure of PII from the education records of a student under the age of 18.”²³ This issue comes into play in states that have extended jurisdiction of foster care for individuals who are over 18.²⁴

²⁰ 20 U.S.C. § 1232g(b)(1)(L); Later, we’ll discuss the juvenile justice exception to FERPA, which also allows narrow access to education records to certain officials in the juvenile justice system.

²¹ FPCO Guidance, *supra* at note 14.

²² For more on redisclosure, see FPCO Guidance, *supra* note 14.

²³ 20 U.S.C. § 1232(b)(1)(L); FPCO Guidance at 6, *supra* note 14.

²⁴ 42 U.S.C. 675(8)(B)(amending the definition of child Social Security Act to include certain individuals in the care of the state who are over 18 years old).

In addition to the USA, what other exceptions address the release of education records to the juvenile justice system?

In addition to the USA, several other exceptions to FERPA's parental consent requirement²⁵ may apply to the release of education records to the juvenile justice system. These exceptions include disclosure: for enrollment in school,²⁶ of directory information,²⁷ and to the juvenile justice system prior to a child's adjudication.²⁸ Additionally, schools may release a student's education records to certain officials without prior parental consent when the information is needed to protect health or safety,²⁹ or the school is served with a court order or subpoena.³⁰

(1) Enrollment in school

This exception allows officials of a student's school to transfer records without prior parental consent to other schools in which the student seeks or intends to enroll, as long as the student's parents are notified of the transfer policy, receive a copy of the record if desired, and have an opportunity for a hearing to challenge the content of the record.³¹ Therefore, when a student enrolls in school at a juvenile justice facility, the student's home school may transfer records to the facility's school without first obtaining parental consent, as long as the parents are provided with the notice and hearing opportunity described above. Similarly, when the student is later discharged from the juvenile justice community and returns home, the school at the juvenile justice facility may transfer the student's records to the student's home school.

(2) Directory information

The directory information exception to non-consensual disclosure states that a school may release the child's "directory information" if the school has given prior notice to parents of the types of directory information it intends to disclose *and* parents have an opportunity to notify the school in writing that they do not want their child's directory information disclosed.³² Under FERPA, directory information includes—but is not limited to—the following information about a student: name, address, phone number, date and place of birth,

²⁵ Or student consent for a student who is 18 years old or attending a postsecondary institution. See 34 C.F.R. § 99.3.

²⁶ 20 U.S.C. § 1232g(b)(1)(B).

²⁷ 20 U.S.C. § 1232g(a)(5)(B).

²⁸ 20 U.S.C. § 1232g(b)(1)E.

²⁹ *Id.*

³⁰ 20 U.S.C. § 1232g(b)(1).

³¹ 20 U.S.C. § 1232g(b)(1)(B).

³² 20 U.S.C. § 1232g(a)(5)(B).

participation in school activities, dates of attendance, photograph, and field of study.³³ Notice of intent to release that information can be provided by any means likely to inform eligible students and parents of the types of information it has designated as directory information.³⁴ Note, however, that an education agency may not disclose directory information that will ultimately reveal personally identifiable information in a child's education records.³⁵

(3) Disclosure to the juvenile justice system prior to a child's adjudication

For a school to release a student's education records under this exception, *all* of the following conditions must be fulfilled: (a) the child has not yet been adjudicated delinquent³⁶ under state law; ³⁷ (b) a state law specifically authorizes the disclosure; (c) the disclosure is to a state or local juvenile justice system agency; (d) the disclosure relates to the juvenile justice system's ability to provide pre-adjudication services to a student; *and* (e) state or local officials certify in writing that the institution or individual receiving the information has agreed not to disclose it to a third party outside the juvenile justice agency.³⁸ At least 19 states statutes authorize this type disclosure. See Appendix A for more information on this subject.

(4) Health or safety emergency

Schools may release education records without parental consent in connection with a health or safety emergency if the information is needed to protect the health or safety of students or others.³⁹ To fall under this exception, a situation must constitute an "articulable and significant threat"⁴⁰ to a student or other individuals and the information must be needed to protect their health or safety.⁴¹ When these conditions apply, the school may disclose the information to appropriate parties without parental consent. Typically, law enforcement

³³ 20 U.S.C. § 1232g(a)(5)(A).

³⁴ US Dept. of Ed, "FERPA General Guidance for Students", <http://www2.ed.gov/policy/gen/guid/fpco/ferpa/students.html>

³⁵ 34 C.F.R. §99.37(e).

³⁶ An adjudicated delinquent is a person under age 18 who has been found by a juvenile court judge to have committed a violation of a criminal law.

³⁷ 20 U.S.C. § 1232g(b)(1)E.

³⁸ 20 U.S.C. § 1232g(b)(1)E.

³⁹ 20 U.S.C. § 1232g(b)(1).

⁴⁰ *Id.* (explaining that for there to be an articulable and significant threat, a school official must be able to explain why he or she believes there is a substantial threat, based on the information available.).

⁴¹ *Id.*

officials, public health officials, trained medical personnel, and parents are the types of appropriate parties to whom information may be disclosed under this FERPA exception.⁴²

(5) Judicial order or subpoena.

Schools may also release information without written consent to comply with a judicial order or subpoena, but the school must make a “reasonable effort” to notify the parent before releasing the record.⁴³ Prior notice is not necessary, however, in any the following situations: (1) the subpoena is from a federal grand jury, the subpoena is issued for a law enforcement purpose,⁴⁴ or (3) the judicial order was issued in a court proceeding involving a child abuse and neglect proceeding to which the parent is a party.⁴⁵

How does state law affect the sharing of education records of children involved in the juvenile justice system?

FERPA provides the minimum requirements for guarding the privacy of education records, but states may provide more privacy protections.⁴⁶ For example, states can limit the number and type of officials to whom disclosure is permitted.⁴⁷ Moreover, as described above and further explore in the Appendix, some FERPA exceptions require state law authorizations to be effective.⁴⁸

Conclusion

States play a vital role in promoting thoughtful and targeted information-sharing to improve student outcomes, while still protecting student confidentiality and parental rights. Understanding and applying FERPA, and becoming familiar with the USA, can help states to engage effectively in this work. The responsible sharing of information from schools to the juvenile justice system can help states achieve better educational outcomes, and ultimately better life outcomes, for some of our most educationally vulnerable youth.

⁴² *Id.*

⁴³ 20 U.S.C. § 1232g(b)(1).

⁴⁴ *Id.*

⁴⁵ 20 U.S.C. § 1232g(b)(2).

⁴⁶ Privacy Technical Assistance Center (PTAC), “The Family Educational Rights and Privacy Act Guidance for Reasonable Methods and Written Agreements”
http://www2.ed.gov/policy/gen/guid/fpco/pdf/reasonablemtd_agreement.pdf

⁴⁷ 34 CFR 99.31(5)

⁴⁸ 20 U.S.C. § 1232g(b)(1)E; *See infra* section on exceptions address the release of education records to the juvenile justice system

Appendix: State Authorizations of FERPA that may affect Juvenile Justice Involved Youth

STATE	RECIPIENT	STATUTORY LANGUAGE
Arizona	Court	<p>A juvenile court may require a school district to provide the court with the educational records of a juvenile who is accused of committing a delinquent or incorrigible act before the juvenile is adjudicated. The educational records shall include the juvenile's cumulative file and discipline file and, if applicable, records that are compiled pursuant to the individuals with disabilities education act ... and the rehabilitation act of 1973.... The presiding judge of the juvenile court shall adopt procedures for the transmission of the educational records from the school district to the juvenile court. The disclosure of the educational records shall comply with the family educational and privacy rights act of 1974and shall ensure the ability of the juvenile court to effectively serve, before adjudication, the juvenile whose records are released. Nothing in this subsection shall be considered to prevent the juvenile court from adjudicating a juvenile prior to receiving educational records pursuant to this subsection. § 15-141(D)</p> <p>E. A school district may release pupil attendance, disciplinary and other educational records to a law enforcement agency and county attorney pursuant to an intergovernmental agreement among the school district, law enforcement agency, county attorney and other state, local or tribal government agencies to create a local or tribal governmental juvenile justice network for the purpose of:</p> <ol style="list-style-type: none"> 1. Providing appropriate programs and services to intervene with juveniles currently involved in the juvenile justice system. 2. Providing appropriate programs and services designed to deter at-risk juveniles from dropping out of school or other delinquent behavior. 3. Increasing the safety and security of the community and its children by reducing juvenile crime. <p>F. Educational records provided pursuant to an intergovernmental agreement entered into pursuant to subsection E shall be used solely for the purposes of the agreement and shall not be disclosed to any other party, except as provided by law. § 15-141(D)</p>

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<p>Colorado</p>	<p>State or local officials or authorities</p>	<p>information directly related to a student and maintained by a public school or by a person acting for the public school shall be available for release if the disclosure meets one or more of the following conditions:</p> <p>(C) The disclosure is to state or local officials or authorities if the disclosure concerns the juvenile justice system and the system's ability to serve effectively, prior to adjudication, the student whose records are disclosed and if the officials and authorities to whom the records are disclosed certify in writing that the information shall not be disclosed to any other party, except as otherwise provided by law, without the prior written consent of the student's parent or legal guardian or of the student if he or she is at least eighteen years of age or is attending an institution of postsecondary education. C.R.S.A. § 24-72-204.</p>
<p>Connecticut</p>	<p>Personnel at a state-operated or community detention facility</p>	<p>In the case of a student confined pursuant to court order to a state-operated detention facility or community detention facility, the local or regional board of education of the town where the student attends school or the charter school that the student attends shall, upon request of the detention facility, disclose the student's educational records to personnel at such facility. Records disclosed pursuant to this section shall be used for the sole purpose of providing the student with educational services.</p> <p>Such disclosure shall be made pursuant to the provisions of 34 CFR 99.38 without the prior written consent of the student's parent or guardian. If the student's parent or guardian did not give prior written consent for the disclosure of such records, the local or regional board of education or the charter school shall send notification of such disclosure to the parent or guardian at the same time that it discloses the records. The student's educational records may not be further disclosed without a court order or the written consent of the student's parent or guardian. C.G.S.A. § 10-220k.</p>
<p>Delaware</p>	<p>Unknown, must see rules & regulations of the Department of Education</p>	<p>Educational records of students in all public and private schools in this State are deemed to be confidential. Educational records may be released, and personally identifiable information contained therein disclosed, only in accordance with rules and regulations of the Department of Education. Such rules and regulations shall authorize the release of educational records upon written consent and shall establish the other terms and conditions on which educational records may and must be released. 14 Del.C. § 4111</p>
<p>Florida</p>	<p>Parties To An Interagency Agreement</p>	<p>In accordance with FERPA and the federal regulations issued pursuant to FERPA, an agency, as defined in s. 1002.22, or a public school, center, institution, or other entity that is part of Florida's education system under s. 1000.04(1), (3), or (4) may release a student's education records without written consent of the student or parent to parties to an interagency agreement among the Department of Juvenile Justice, the school, law enforcement authorities, and other signatory agencies. The purpose of such an agreement and information sharing is to reduce juvenile crime, especially motor vehicle theft, by promoting cooperation</p>

Appendix: State Authorizations of FERPA that may affect Juvenile Justice Involved Youth

<p>Florida (continue)</p>		<p>and collaboration and the sharing of appropriate information in a joint effort to improve school safety, to reduce truancy and in-school and out-of-school suspensions, and to support alternatives to in-school and out-of-school suspensions and expulsions, which provide structured and well-supervised educational programs supplemented by a coordinated overlay of other appropriate services designed to correct behaviors that lead to truancy, suspensions, and expulsions and that support students in successfully completing their education. Information provided in furtherance of an interagency agreement is intended solely for use in determining the appropriate programs and services for each juvenile or the juvenile's family, or for coordinating the delivery of the programs and services, and as such is inadmissible in any court proceeding before a dispositional hearing unless written consent is provided by a parent or other responsible adult on behalf of the juvenile. F.S.A. § 1002.221</p>
	<p>All state and local agencies and programs that provide services to children or that are responsible for a child's safety</p>	<p>(4) Notwithstanding any other provision of law, all state and local agencies and programs that provide services to children or that are responsible for a child's safety, including the Department of Juvenile Justice, the Department of Health, the Agency for Health Care Administration, the Agency for Persons with Disabilities, the Department of Education, the Department of Revenue, the school districts, the Statewide Guardian Ad Litem Office, and any provider contracting with such agencies, may share with each other confidential records or information that are confidential or exempt from disclosure under chapter 119 if the records or information are reasonably necessary to ensure access to appropriate services for the child, including child support enforcement services, or for the safety of the child. However: (a) Records or information made confidential by federal law may not be shared. (b) This subsection does not apply to information concerning clients and records of certified domestic violence centers, which are confidential under s. 39.908 and privileged under s. 90.5036. F.S.A. § 39.00145.</p>
<p>Georgia</p>	<p>Governmental entities</p>	<p>(a) As used in this Code section, the term "governmental entity" shall mean the court, superior court, DJJ, DBHDD, DFACS, county departments of family and children services, or public schools, as such term is defined in Code Section 16-11-35. (b) Governmental entities and state, county, municipal, or consolidated government departments, boards, or agencies shall exchange with each other all information not held as confidential pursuant to federal law and relating to a child which may aid a governmental entity in the assessment, treatment, intervention, or rehabilitation of a child, notwithstanding Code Section 15-1-15, 15-11-40, [...], in order to serve the best interests of such child. Information which is shared pursuant to this subsection shall not be utilized to assist in the prosecution of a child in juvenile, superior, or state court or utilized to the detriment of such child. Ga. Code Ann. § 15-11-710</p>
	<p>State and local officials or authorities</p>	<p>State and local officials or authorities to whom this information is specifically allowed to be reported or disclosed pursuant to a State statute concerning the juvenile justice system; [34 C.F.R. § 99.31(a)(5)]. Ga Comp. R. & Regs. 160-4-7-.08.</p>

Note: this list is not exhaustive, but rather a sampling of the state codifications that exist.

Appendix: State Authorizations of FERPA that may affect Juvenile Justice Involved Youth

<p>Georgia (continued)</p>	<p>Educational program of certain agency-contracted facilities defined in Ga Comp. R. & Regs. 160-4-7-.19</p>	<p>Transfer of education records and educationally related records by a LEA, DHS, DBHDD or DJJ does not require signed parental/guardian consent. However, the parents/guardians shall be notified and, upon request, receive a copy of all transmitted information. The DHS/DBHDD/DJJ facility shall furnish to the LEA the medical and educational records in the possession of the DHS/DBHDD/DJJ facility pertaining to any such student, except where consent of a parent or legal guardian is required to authorize the release of any such records, in which event DHS/DBHDD/DJJ shall obtain such consent from the parent or guardian prior to such release. When the custodian of or placing agency for any child notifies a LEA that a child is to be moved into that LEA, such LEA shall request the transfer of the educational records of the child from the appropriate District or facility no later than ten days after receiving notification. Ga Comp. R. & Regs. 160-4-7-.19</p>
<p>Illinois</p>	<p>Juvenile Authorities</p>	<p>To juvenile authorities when necessary for the discharge of their official duties who request information prior to adjudication of the student and who certify in writing that the information will not be disclosed to any other party except as provided under law or order of court. For purposes of this Section “juvenile authorities” means: (i) a judge of the circuit court and members of the staff of the court designated by the judge; (ii) parties to the proceedings under the Juvenile Court Act of 1987 and their attorneys; (iii) probation officers and court appointed advocates for the juvenile authorized by the judge hearing the case; (iv) any individual, public or private agency having custody of the child pursuant to court order; (v) any individual, public or private agency providing education, medical or mental health service to the child when the requested information is needed to determine the appropriate service or treatment for the minor; (vi) any potential placement provider when such release is authorized by the court for the limited purpose of determining the appropriateness of the potential placement; (vii) law enforcement officers and prosecutors; (viii) adult and juvenile prisoner review boards; (ix) authorized military personnel; (x) individuals authorized by court; ... (10) To those SHOCAP committee members who fall within the meaning of “state and local officials and authorities”, as those terms are used within the meaning of the federal Family Educational Rights and Privacy Act, for the purposes of identifying serious habitual juvenile offenders and matching those offenders with community resources pursuant to Section 5-145 of the Juvenile Court Act of 1987, but only to the extent that the release, transfer, disclosure, or dissemination is consistent with the Family Educational Rights and Privacy Act. 65 ILCS 10/6</p>
	<p>Juvenile Authorities</p>	<p>Because truancy is a gateway to crime and one of the most powerful predictors of juvenile delinquent behavior, a school district may disclose education records relating to attendance to juvenile authorities if the school district determines that the disclosure will enhance the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are released. 65 ILCS 5/11-5-9.</p>

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<p>Indiana</p>	<p>Juvenile justice agency defined in IC 10-13-4-5</p>	<p>(b) A school corporation or other entity to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply may disclose or report on the education records of a child, including personally identifiable information contained in the education records, without the consent of the child's parent under the following conditions: (1) The disclosure or reporting of education records is to a state or local juvenile justice agency. (2) The disclosure or reporting relates to the ability of the juvenile justice system to serve, before adjudication, the student whose records are being released. (3) The juvenile justice agency receiving the information certifies, in writing, to the entity providing the information that the agency or individual receiving the information has agreed not to disclose it to a third party, other than another juvenile justice agency, without the consent of the child's parent. (c) For purposes of subsection (b)(2), a disclosure or reporting of education records concerning a child who has been adjudicated as a delinquent child shall be treated as related to the ability of the juvenile justice system to serve the child before adjudication if the juvenile justice agency seeking the information provides sufficient information to enable the keeper of the education records to determine that the juvenile justice agency seeks the information in order to identify and intervene with the child as a juvenile at risk of delinquency rather than to obtain information solely related to supervision of the child as an adjudicated delinquent child. (d) A school corporation to which the education records privacy provisions of the federal Family Educational Rights and Privacy Act (20 U.S.C. 1232g) apply may disclose or report on the education records of a child, including personally identifiable information contained in the education records, without the consent of the child's parent, if the child has been suspended or expelled and referred to a court in accordance with an agreement for court assisted resolution of suspension and expulsion cases under IC 20-33-8.5. The request for the education records of a child by a court must be for the purpose of assisting the child before adjudication. IC 20-33-7-3</p>
<p>Indiana (continued)</p>	<p>State and local agencies that are part of the juvenile justice system</p>	<p>The board of directors of each public school and the authorities in charge of each accredited nonpublic school shall adopt a policy and the superintendent of each public school shall adopt rules which provide that the school district or school may share information contained within a student's permanent record pursuant to an interagency agreement with state and local agencies that are part of the juvenile justice system...The disclosure of information shall be directly related to the juvenile justice system's ability to effectively serve, prior to adjudication, the student whose records are being released. I.C.A. § 280.25.</p>
<p>Kentucky</p>	<p>State and local agencies that are part of the</p>	<p>Pursuant to the authority granted to the Commonwealth under the Family Educational Rights and Privacy Act, 20 U.S.C. sec. 1232g, when a statute within KRS Chapters 600 to 645 refers to the release of educational records, the purpose of the release shall be limited to providing the juvenile justice system with the ability to effectively serve, prior to</p>

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<p>Kentucky (continued)</p>	<p>juvenile justice system</p>	<p>adjudication, the needs of the student whose records are sought. Any educational records obtained pursuant to a statute within KRS Chapters 600 to 645 shall only be released to persons authorized by statute and shall not be released to any other person without the written consent of the parent of the child. KRS § 600.070.</p>
<p>Louisiana</p>	<p>State and local officials within juvenile justice system</p>	<p>Notwithstanding any provision of law to the contrary, each city, parish, or other local public school board shall adopt a policy under which the school board and school board employees may disclose education records or information from education records, without the consent of the parent or guardian of the student who is the subject of the records, to state and local law enforcement officials and other officials within the juvenile justice system. No school board or school board employee shall be liable for the disclosure of any information in accordance with a policy adopted pursuant to this Subsection. Each policy which is adopted pursuant to this Subsection shall contain or comply with each of the following provisions:</p> <p>(1) The disclosure of the education records or of the information from the education records must be to state or local law enforcement officials or to other officials within the juvenile justice system.</p> <p>(2) The disclosure must comply with the provisions of the policy which is adopted pursuant to this Subsection.</p> <p>(3) The disclosure must relate to the ability of the juvenile justice system to serve, prior to adjudication, the student whose records or whose information is to be disclosed.</p> <p>(4) The officials to whom the records or the information are disclosed shall certify in writing that that person, and any agency or organization with which that person is affiliated, will keep the personally identifiable portions of the records or the information confidential and will not disclose the personally identifiable portions of the records or the information to any person or agency or organization except a person or agency or organization within the juvenile justice system who or which has an independent right to that information. LSA-R.S. 17:81</p>
<p>Maine</p>	<p>Criminal justice agencies and agencies responsible for health and welfare of the juvenile</p>	<p>3. Dissemination of education records to criminal justice agencies. A school may disseminate education records as defined in 20 United States Code, Section 1232g(a)(4) regarding a juvenile if:</p> <p>A. The juvenile has not been adjudicated as having committed a juvenile crime;</p> <p>B. The education records are disseminated to:</p> <p>(1) Criminal justice agencies; or</p>

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<p>Maine (continued)</p>		<p>(2) Agencies that by court order or agreement of the juvenile are responsible for the health or welfare of the juvenile and that have provided the school with a statement describing the purpose of the dissemination; and</p> <p>C. The education records are relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation.</p> <p>Education records received under this subsection are confidential and may not be further disseminated, except to the court or as otherwise provided by law. The persons to whom the education records are disseminated shall certify in writing to the school that the records will not be disclosed to any other party, except the court or as otherwise provided by law, without the written consent of the juvenile or the juvenile's parent or guardian. 20-A M.R.S.A. § 6001.</p>
<p>Maryland</p>	<p>State and local officials designated by statute</p>	<p>A. A local school system or educational institution may disclose personally identifiable information from the student records only on the condition that the party to whom the information is disclosed will not disclose the information to any other party without the prior written consent of the parent or guardian of the student or the eligible student, except that the personally identifiable information which is disclosed to an institution, school system, or organization may be used by its officers, employees, and agents, but only for the purposes for which the disclosure was made.</p> <p>B. Section A of this regulation does not preclude a local school system or educational institution from disclosing personally identifiable information under Regulation .19 of this chapter, with the understanding that the information will be redisclosed to other parties under this regulation, if the record-keeping requirements of Regulation .20 of this chapter are met with respect to each of those parties.</p> <p>C. Section A of this regulation does not apply to disclosures made pursuant to court orders or lawfully issued subpoenas under Regulation .19A(9) of this chapter, or to disclosures of directory information under Regulation .25 of this chapter.</p> <p>D. Except for the disclosure of directory information under Regulation .25 of this chapter, or disclosure made pursuant to court orders or subpoenas under Regulation .19A(9) of this chapter, a local school system or educational institution shall inform the party to whom a disclosure is made of the requirement set forth in §A of this regulation.</p> <p>E. If a third party improperly rediscloses personally identifiable information from student records in violation of §A of this regulation, the local school system or educational institution may not allow that third party access to personally identifiable information from student records for at least 5 years. COMAR 13A.08.02.21</p>

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<p>Maryland (continued)</p>		<p>A. A local school system or educational institution may disclose personally identifiable information from the student records without the written consent of the parent or guardian of the student or the eligible student, if the disclosure is:</p> <p>(5) To State and local officials or authorities to whom information is specifically allowed to be reported or disclosed pursuant to State statute adopted:</p> <p>(a) Before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released, or</p> <p>(b) After November 19, 1974, subject to the requirement of Regulation .26 of this chapter. COMAR 13A.08.02.19.</p>
	<p>Officials and Authorities</p>	<p>A. If reporting or disclosure allowed by State statute adopted after November 19, 1974, concerns the juvenile justice system and the system's ability to effectively serve, before adjudication, the student whose records are released, a local school system or educational institution may disclose student records under Regulation .19A(5)(b) of this chapter.</p> <p>B. The officials and authorities to whom the records are disclosed shall certify in writing to the local school system or educational institution 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 or eligible student. COMAR 13A.08.02.26</p>
<p>Minnesota</p>	<p>Juvenile justice system</p>	<p>Subdivision 1. Definitions. As used in this section:</p> <p>(a) "Educational data" means data on individuals maintained by a public educational agency or institution or by a person acting for the agency or institution which relates to a student.</p> <p>Records of instructional personnel which are in the sole possession of the maker thereof and are not accessible or revealed to any other individual except a substitute teacher, and are destroyed at the end of the school year, shall not be deemed to be government data.</p> <p>Records of a law enforcement unit of a public educational agency or institution which are maintained apart from education data and are maintained solely for law enforcement purposes, and are not disclosed to individuals other than law enforcement officials of the jurisdiction are not educational data; provided, that education records maintained by the educational agency or institution are not disclosed to the personnel of the law enforcement unit. The University of Minnesota police department is a law enforcement agency for purposes of section 13.82 and other sections</p>

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<p>Minnesota (continued)</p>	<p>of Minnesota Statutes dealing with law enforcement records. Records of organizations providing security services to a public educational agency or institution must be administered consistent with section 13.861.</p> <p>Records relating to a student who is employed by a public educational agency or institution which are made and maintained in the normal course of business, relate exclusively to the individual in that individual's capacity as an employee, and are not available for use for any other purpose are classified pursuant to section 13.43.</p> <p>(b) "Juvenile justice system" includes criminal justice agencies and the judiciary when involved in juvenile justice activities.</p> <p>(c) "Student" means an individual currently or formerly enrolled or registered, applicants for enrollment or registration at a public educational agency or institution, or individuals who receive shared time educational services from a public agency or institution.</p> <p>(d) "Substitute teacher" means an individual who performs on a temporary basis the duties of the individual who made the record, but does not include an individual who permanently succeeds to the position of the maker of the record.</p> <p>Subd. 3. Private data; when disclosure is permitted. Except as provided in subdivision 5, educational data is private data on individuals and shall not be disclosed except as follows:</p> <p>(i) to appropriate authorities as provided in United States Code, title 20, section 1232g(b)(1)(E)(ii), if the data concern the juvenile justice system and the ability of the system to effectively serve, prior to adjudication, the student whose records are released; provided that the authorities to whom the data are released submit a written request for the data that certifies that the data will not be disclosed to any other person except as authorized by law without the written consent of the parent of the student and the request and a record of the release are maintained in the student's file;</p> <p>(l) to the juvenile justice system if information about the behavior of a student who poses a risk of harm is reasonably necessary to protect the health or safety of the student or other individuals;</p> <p>Subd. 8. Access by juvenile justice system.</p> <p>(a) Upon request, the following education data shall be disclosed under subdivision 3, clause (i), to the juvenile justice system: a student's full name, home address, telephone number, date of birth; a student's school schedule, daily attendance record, and photographs, if any; and parents' names, home addresses, and telephone numbers.</p>
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<p>Minnesota (continued)</p>	<p>(b) In addition, the existence of the following data about a student may be disclosed under subdivision 3, clause (i):</p> <ul style="list-style-type: none"> (1) use of a controlled substance, alcohol, or tobacco; (2) assaultive or threatening conduct that could result in dismissal from school under section 121A.45, subdivision 2, clause (b) or (c); (3) possession or use of weapons or look-alike weapons; (4) theft; or (5) vandalism or other damage to property. <p>Any request for access to data under this paragraph must contain an explanation of why access to the data is necessary to serve the student.</p> <p>(c) A principal or chief administrative officer of a school who receives a request to disclose information about a student to the juvenile justice system under paragraph (b) shall, to the extent permitted by federal law, notify the student's parent or guardian by certified mail of the request to disclose information before disclosing the information. If the student's parent or guardian notifies the principal or chief administrative officer within ten days of receiving the certified notice that the parent or guardian objects to the disclosure, the principal or chief administrative officer must not disclose the information. The principal or chief administrative officer must inform the requesting member of the juvenile justice system of the objection.</p> <p>(d) A principal or chief administrative officer is not required to create data under this subdivision. Information provided in response to a data request under paragraph (b) shall indicate only whether the data described in paragraph (b) exist. The principal or chief administrative officer is not authorized under paragraph (b) to disclose the actual data or other information contained in the student's education record. A principal or chief administrative officer is not required to provide data that are protected by court order. A principal or chief administrative officer must respond to a data request within 14 days if no objection is received from the parent or guardian.</p> <p>(e) Nothing in this subdivision shall limit the disclosure of educational data pursuant to court order.</p> <p>(f) A school district, its agents, and employees who provide data in good faith under this subdivision are not liable for compensatory or exemplary damages or an award of attorney fees in an action under section 13.08, or other law, or for a penalty under section 13.09.</p>
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<p>Minnesota (continued)</p>		<p>(g) Section 13.03, subdivision 4, applies to data that are shared under this subdivision with a government entity. If data are shared with a member of the juvenile justice system who is not a government entity, the person receiving the shared data must treat the data consistent with the requirements of this chapter applicable to a government entity.</p> <p>(h) A member of the juvenile justice system who falsely certifies a request for data under this section is subject to the penalties under section 13.09. M.S.A. § 13.32.</p>
<p>Missouri</p>	<p>Law enforcement and juvenile justice authorities</p>	<p>7. Within two business days of enrolling a pupil, the school official enrolling a pupil, including any special education pupil, shall request those records required by district policy for student transfer and those discipline records required by subsection 9 of section 160.261 from all schools previously attended by the pupil within the last twelve months. Any school district that receives a request for such records from another school district enrolling a pupil that had previously attended a school in such district shall respond to such request within five business days of receiving the request. School districts may report or disclose education records to law enforcement and juvenile justice authorities if the disclosure concerns law enforcement's or juvenile justice authorities' ability to effectively serve, prior to adjudication, the student whose records are released. The officials and authorities to whom such information is disclosed must comply with applicable restrictions set forth in 20 U.S.C. Section 1232g (b)(1)(E). V.A.M.S. 167.020</p>
<p>Montana</p>	<p>Juvenile justice system</p>	<p>(1) Subject to the provisions of the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g, as amended, and its implementing regulations at 34 CFR, part 99, and to the provisions of the Individuals With Disabilities Education Act, 20 U.S.C. 1411 through 1420, and its implementing regulations at 34 CFR, part 300, local educational agencies and accredited schools shall adopt a policy that a certified copy of the permanent file, as defined by the board of public education, and the file containing special education records of a student will be forwarded by mail or electronically to a local educational agency or accredited school in which the student seeks or intends to enroll within 5 working days after a receipt of a written or electronic request.....</p> <p>(5) A local educational agency or accredited school may release student information to the juvenile justice system to assist the system's ability to effectively serve, prior to adjudication, the student whose records are released under provisions of 20 U.S.C. 1232g(B)(1)(E) of the Family Educational Rights and Privacy Act of 1974, as amended. The official to whom the records are disclosed shall certify in writing to the sending official that the information will not, except as provided by law, be disclosed to any other party without prior written consent of the parent of the student. MCA 20-1-213.</p>

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<p>Oklahoma</p>	<p>Court or juvenile justice system</p>	<p>B. Prior to adjudication or as directed by a law enforcement subpoena or court order, a school district may disclose educational records to the court or juvenile justice system for purposes of determining the ability of the juvenile justice system to effectively serve a child. Any disclosure of educational records shall be in accordance with the requirements of the Family Educational Rights and Privacy Act of 1974 (FERPA).² If the parent, guardian, or custodian of a child adjudicated a delinquent child asserts that the child has approval not to attend school pursuant to Section 10-105 of Title 70 of the Oklahoma Statutes, the court or the Office of Juvenile Affairs may require the parent to provide a copy of the written, joint agreement to that effect between the school administrator of the school district where the child attends school and the parent, guardian, or custodian of the child. 10A Okl.St. Ann. § 2-2-503.</p>
<p>Oregon</p>	<p>Court and state and local juvenile justice agencies</p>	<p>(1) A public school or school district shall disclose personally identifiable information or other information allowed to be disclosed by the federal Family Educational Rights and Privacy Act from an education record of a student to:</p> <p>(b) Courts and state and local juvenile justice agencies including, but not limited to, law enforcement agencies, juvenile departments and child protective service agencies. Disclosure under this paragraph must relate to the court's or juvenile justice agency's ability to serve the needs of a student prior to the student's adjudication under ORS chapter 419C. A person to whom personally identifiable information is disclosed under this paragraph shall certify, in writing, that the person will not disclose the information to a third party other than another court or juvenile justice agency or a person or organization providing direct services to the student on behalf of a juvenile justice agency.</p> <p>(3) A person who receives information under this section is not liable civilly or criminally for failing to disclose the information. O.R.S. § 336.187</p>
<p>South Dakota</p>	<p>County interdisciplinary child information team</p>	<p>To the extent that the county interdisciplinary child information team is involved in a proceeding that is held prior to adjudication by a court, the team satisfies the requirements of 20 U.S.C. 1232g(b)(1)(E)(ii)(I) of the Family Educational Rights and Privacy Act of 1974. South Dakota school districts may release education records to the team. The terms of the written agreement, as provided for in § 26-16-5, shall include a requirement that the officials and authorities to whom the information is disclosed certify in writing to the school district that is releasing the education records that the education records or information from the education records will not be disclosed to any other party without the prior written consent of the parent or guardian of the student. SDCL § 26-16-6.</p>

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<p>Texas</p>	<p>Juvenile service providers</p>	<p>(a) A school district superintendent or the superintendent's designee shall disclose information contained in a student's educational records to a juvenile service provider as required by Section 58.0051, Family Code.</p> <p>(b) The commissioner may enter into an interagency agreement to share educational information for research and analytical purposes with the:</p> <p>(1) Texas Juvenile Probation Commission;</p> <p>(2) Texas Youth Commission;</p> <p>(3) Texas Department of Criminal Justice; and</p> <p>(4) Criminal Justice Policy Council.</p> <p>(c) This section does not require or authorize release of student-level information except in conformity with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C. Section 1232g), as amended. V.T.C.A., Education Code § 37.084.</p>
	<p>Juvenile service providers</p>	<p>(a) In this section:</p> <p>(1) "Educational records" means records in the possession of a primary or secondary educational institution that contain information relating to a student, including information relating to the student's:</p> <p>(A) identity;</p> <p>(B) special needs;</p> <p>(C) educational accommodations;</p> <p>(D) assessment or diagnostic test results;</p> <p>(E) attendance records;</p> <p>(F) disciplinary records;</p> <p>(G) medical records; and</p> <p>(H) psychological diagnoses.</p> <p>(2) "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:</p> <p>(A) a state or local juvenile justice agency as defined by Section 58.101;</p>

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<p>Texas (continued)</p>	<p>(B) health and human services agencies, as defined by Section 531.001, Government Code, and the Health and Human Services Commission;</p> <p>(C) the Department of Public Safety;</p> <p>(D) the Texas Education Agency;</p> <p>(E) an independent school district;</p> <p>(F) a juvenile justice alternative education program;</p> <p>(G) a charter school;</p> <p>(H) a local mental health or mental retardation authority;</p> <p>(I) a court with jurisdiction over juveniles;</p> <p>(J) a district attorney's office;</p> <p>(K) a county attorney's office; and</p> <p>(L) a children's advocacy center established under Section 264.402.</p> <p>(3) "Student" means a person who:</p> <p>(A) is registered or in attendance at a primary or secondary educational institution; and</p> <p>(B) is younger than 18 years of age.</p> <p>(b) At the request of a juvenile service provider, an independent school district or a charter school shall disclose to the juvenile service provider confidential information contained in the student's educational records if the student has been:</p> <p>(1) taken into custody under Section 52.01; or</p> <p>(2) referred to a juvenile court for allegedly engaging in delinquent conduct or conduct indicating a need for supervision.</p> <p>(c) An independent school district or charter school that discloses confidential information to a juvenile service provider under Subsection</p> <p>(b) may not destroy a record of the disclosed information before the seventh anniversary of the date the information is disclosed.</p> <p>(d) An independent school district or charter school shall comply with a request under Subsection (b) regardless of whether other state law makes that information confidential.</p>
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Note: this list is not exhaustive, but rather a sampling of the state codifications that exist.

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<p>Texas (continued)</p>	<p>(e) A juvenile service provider that receives confidential information under this section shall:</p> <p>(1) certify in writing that the juvenile service provider receiving the confidential information has agreed not to disclose it to a third party, other than another juvenile service provider; and</p> <p>(2) use the confidential information only to:</p> <p>(A) verify the identity of a student involved in the juvenile justice system; and</p> <p>(B) provide delinquency prevention or treatment services to the student.</p> <p>(f) A juvenile service provider 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 this section without violating federal law, including any federal funding requirements. A juvenile service provider may enter into a memorandum of understanding with another juvenile service provider to share information according to the juvenile service provider's protocols. A juvenile service provider shall comply with this section regardless of whether the juvenile service provider establishes an internal protocol or enters into a memorandum of understanding under this subsection unless compliance with this section violates federal law.</p> <p>(g) This section 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 Chapter 552, Government Code.</p> <p>(h) A juvenile service provider that requests information under this section shall pay a fee to the disclosing juvenile service provider in the same amounts charged for the provision of public information under Subchapter F, Chapter 552, Government Code, unless:</p> <p>(1) a memorandum of understanding between the requesting provider and the disclosing provider:</p> <p>(A) prohibits the payment of a fee;</p> <p>(B) provides for the waiver of a fee; or</p> <p>(C) provides an alternate method of assessing a fee;</p>
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<p>Texas (continued)</p>		<p>(2) the disclosing provider waives the payment of the fee; or</p> <p>(3) disclosure of the information is required by law other than this subchapter. V.T.C.A., Family Code § 58.0051.</p>
<p>Virginia</p>	<p>Commonwealth, court services units, juvenile detention center or group homes, mental and medical health agencies, state and local children and family service agencies, Department of Juvenile Justice</p>	<p>D. 4. The principal or his designee may disclose identifying information from a pupil's scholastic record for the purpose of furthering the ability of the juvenile justice system to effectively serve the pupil prior to adjudication. In addition to those agencies or personnel identified in subdivisions 5 and 7 of subsection A, the principal or his designee may disclose identifying information from a pupil's scholastic record to attorneys for the Commonwealth, court services units, juvenile detention centers or group homes, mental and medical health agencies, state and local children and family service agencies, and the Department of Juvenile Justice and to the staff of such agencies. Prior to disclosure of any such scholastic records, the persons to whom the records are to be disclosed shall certify in writing to the principal or his designee 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 pupil or by such pupil if the pupil is eighteen years of age or older. VA Code Ann. § 22.1-287.</p>
<p>Washington</p>	<p>School officials, person designated by judicial order or subpoena, the court, state and local officials if required by state law</p>	<p>(1) The school shall not disclose information from education records (other than 'directory information') without the written consent of the parent (or adult student) except that records may be disclosed without consent when disclosure is to: (a) School officials who have a legitimate educational interest in the records; (b) Officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll. Pursuant to RCW 28A.225.330, records disclosed under this subsection will include disciplinary action, violent behavior or behavior listed in RCW 13.04.155, attendance, immunization records, and academic performance. The school shall provide the parent (or adult student), upon request, with a copy of the records disclosed and an opportunity for a hearing to challenge the content of the record; (c) Federal and state officials requiring access to education records in connection with the audit and evaluation of a federal or state-supported education program, or in connection with the enforcement of or compliance with federal or state legal requirements which relate to such programs; (d) Organizations conducting studies for, or on behalf of the school, for purposes of developing, validating, or administering predictive tests, administering student aid programs, and improving instruction: Provided, That the study is conducted in such a manner that does not</p>

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<p>Washington (continue)</p>	<p>permit the personal identification of parents and students by persons other than representatives of such organizations, and such information is destroyed when no longer needed for the purposes for which it was provided; (e) Accrediting organizations in order to carry out their accrediting functions; (f) Any person or entity designated by judicial order or lawfully issued subpoena: Provided, That the school shall make a reasonable effort to notify the parent (or adult student) in advance of compliance, unless such notification and disclosure is specifically prohibited by an order of the court or other issuing agency or the order has been issued ex parte. (i) If the school initiates legal action against a parent or student, the school may disclose to the court, without a court order or subpoena, the education records of the student that are relevant and necessary for the school to proceed with the legal action. (ii) If a parent or student initiates legal action against the school, the school may disclose to the court, without a court order or subpoena, the student's education records that are relevant and necessary for the school's defense;</p> <p>(g) State and local officials or authorities if specifically required by state law adopted before November 19, 1974, or if reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student prior to adjudication;</p> <p>(h) Appropriate persons in connection with a health or safety emergency if knowledge of such information is necessary to protect the health or safety of a student or other individuals;</p> <p>(i) Teachers and school officials in other schools and school districts, and teachers, security personnel and other personnel at the Washington school for the deaf who have a legitimate educational interest in the behavior of the student when the information concerns disciplinary action taken against the student for behavior that posed a significant risk to safety or well-being of that student, other students, or other members of the school community, or a history of violent behavior or behaviors listed in RCW 13.04.155. 'Disciplinary action' means the investigation, adjudication or imposition of sanctions by the school for an infraction or violation of the student conduct code.</p> <p>(2) Where the consent of a parent (or adult student) is obtained for the release of education records, it shall be in writing, signed and dated by the person giving such consent, and shall include:</p> <p>(a) A specification of the records to be released;</p> <p>(b) The reasons for such release; and</p> <p>(c) The names of the parties to whom such records will be released.</p>
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<p>Washington (continue)</p>		<p>(3) When a disclosure is made under subsection (2) of this section, if a parent (or adult student) so requests, the school shall provide him or her with a copy of the records disclosed.</p> <p>(4) Personally identifiable education records released to third parties, with or without parent (or adult student) consent, shall be accompanied by a written statement indicating that the information cannot be subsequently released in a personally identifiable form to any other party without the prior consent of the parent (or adult student).</p> <p>(5) 'Directory information' may be disclosed without the parent's (or adult student's) prior written consent, unless the parent (or adult student) notifies the school in writing within ten days of enrollment and thereafter by the tenth day of the academic year that he or she does not want any or all of the student's information to be designated as directory information. WAC 148-280-040.</p>
<p>West Virginia</p>	<p>State and local officials designated by statute</p>	<p>16.1. An educational agency or institution may disclose personally identifiable information from the education records of a student without the written consent of the parent of the student or the eligible student if the disclosure is:</p> <p>16.1.e. To state and local officials or authorities to whom this information is specifically:</p> <p>16.1.e.1. Allowed to be reported or disclosed pursuant to state statute adopted before November 19, 1974, if the allowed reporting or disclosure concerns the juvenile justice system and the system's ability to effectively serve the student whose records are released; or</p> <p>16.1.e.2. Allowed to be reported or disclosed pursuant to state statute adopted after November 19, 1974, subject to the requirements of Section 126-94-24.</p>
	<p>Juvenile justice system</p>	<p>24.1. If reporting or disclosure allowed by state statute concerns the juvenile justice system and the system's ability to effectively serve, prior to adjudication, the student whose records are released, an educational agency or institution may disclose education records under Section 126-94-16.1.e.</p> <p>24.2. The officials and authorities to whom the records are disclosed shall certify in writing to the educational agency or institution 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. WV ADC s 126-94-24.</p>

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<p>Wisconsin</p>	<p>Law enforcement agency, district attorney</p>	<p>2. A school board shall disclose pertinent pupil records to an investigating law enforcement agency or district attorney if the person to whom the records are disclosed certifies in writing that the records concern the juvenile justice system and the system's ability to effectively serve the pupil, relate to an ongoing investigation or pending delinquency petition, and will not be disclosed to any other person except as otherwise authorized by law.</p> <p>(p) A school board may disclose pupil records to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of any individual. W.S.A. 118.125.</p>
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