

HSB 708

HUMAN RESOURCES

SUCCE

SENATE/HOUSE FILE SE 2460

BY (PROPOSED ATTORNEY GENERAL BILL)

Baldwin, ch
Carroll
Foyle

Passed Senate, Date _____ Passed House, Date _____

Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the sharing of juvenile court social records
2 or child abuse records pursuant to an interagency agreement.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section. 1. Section 232.147, Code 1999, is amended by
2 adding the following new subsection:

3 NEW SUBSECTION. 5A. Social records prior to adjudication
4 may be disclosed without court order, to the superintendent or
5 superintendent's designee of a school district, authorities in
6 charge of an accredited nonpublic school, or any other state
7 or local agency that are part of the juvenile justice system,
8 in accordance with an interagency agreement established under
9 section 280.25. The social records disclosed shall be used
10 solely for the purpose of determining the programs and
11 services appropriate to the needs of the child or the family
12 of the child and shall not be disclosed for any other purpose
13 unless otherwise provided by law.

14 Sec. 2. Section 235A.15, subsection 2, paragraph b,
15 subparagraph (4), Code Supplement 1999, is amended to read as
16 follows: 180

17 (4) To a multidisciplinary team, or to parties to an
18 interagency agreement entered into pursuant to section 280.25,
19 if the department of human services approves the composition
20 of the multidisciplinary team or the relevant provisions of
21 the interagency agreement and determines that access to the
22 team or to the parties to the interagency agreement is
23 necessary to assist the department in the diagnosis,
24 assessment, and disposition of a child abuse case.

25 Sec. 3. Section 280.25, Code 1999, is amended to read as
26 follows:

27 280.25 INFORMATION SHARING -- INTERAGENCY AGREEMENTS.

28 1. The board of directors of each public school and the
29 authorities in charge of each accredited nonpublic school
30 shall adopt a policy and the superintendent of each public
31 school shall adopt rules which provide that the school
32 district or school may share information contained within a
33 student's permanent record pursuant to an interagency
34 agreement with state and local agencies that are part of the
35 juvenile justice system including the. These agencies include

1 but are not limited to, juvenile court services, the
2 department of human services, and local law enforcement
3 authorities. The disclosure of information shall be directly
4 related to the juvenile justice system's ability to
5 effectively serve, prior to adjudication, the student whose
6 records are being released.

7 2. The purpose of the agreement shall be to reduce
8 juvenile crime by promoting cooperation and collaboration and
9 the sharing of appropriate information between among the
10 parties in a joint effort to improve school safety, reduce
11 alcohol and illegal drug use, reduce truancy, reduce in-school
12 and out-of-school suspensions, and to support alternatives to
13 in-school and out-of-school suspensions and expulsions which
14 provide structured and well-supervised educational programs
15 supplemented by coordinated and appropriate services designed
16 to correct behaviors that lead to truancy, suspension, and
17 expulsions and to support students in successfully completing
18 their education.

19 3. Information shared under the agreement shall be used
20 solely for determining the programs and services appropriate
21 to the needs of the juvenile or the juvenile's family, or
22 coordinating the delivery of programs and services to the
23 juvenile or the juvenile's family.

24 4. Information shared by the school district or school
25 under the agreement is not admissible in any court proceedings
26 which take place prior to a disposition hearing, unless
27 written consent is obtained from a student's parent, guardian,
28 or legal or actual custodian.

29 5. Information shared by another party to the agreement
30 with a school district or school pursuant to an interagency
31 agreement shall not be used as a basis for a school
32 disciplinary action against a student.

33 6. The interagency agreement shall provide, and each
34 signatory agency to the agreement shall certify in the
35 agreement, that confidential information shared between among

1 the parties to the agreement shall remain confidential and
2 shall not be shared with any other person, school, school
3 district, or agency, unless otherwise provided by law.

4 7. Juvenile court social records may be disclosed in
5 accordance with section 232.147, subsection 5A.

6 8. A school or school district entering into an
7 interagency agreement under this section shall adopt a policy
8 implementing the provisions of the interagency agreement. The
9 policy shall include, but not be limited to, the provisions of
10 the interagency agreement and the procedures to be used by the
11 school or school district to share information from the
12 student's permanent record with participating agencies. The
13 policy shall be published in the student handbook.

14 EXPLANATION

15 This bill provides for the sharing of juvenile court social
16 records pursuant to an interagency agreement prior to any
17 adjudication. The bill allows such records to be disclosed,
18 without court order, for the purpose of sharing information
19 with schools and juvenile justice system agencies that have
20 agreed to share information.

21 The bill also provides for the sharing of department of
22 human services' child abuse information with parties to an
23 interagency agreement if the interagency agreement is approved
24 by the department, and if the sharing is necessary to assist
25 the department in the disposition of a child abuse case.

26 Under existing law, a school may share information pursuant
27 to an interagency agreement, but the other parties to the
28 agreement are unable to share information with the school or
29 other agencies that are part of the agreement.

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HSB708



Department of Justice

THOMAS J. MILLER
ATTORNEY GENERAL

ADDRESS REPLY TO:
HOOVER BUILDING
DES MOINES, IOWA 50319
TELEPHONE: 515-281-5164
FACSIMILE: 515-281-4209

MEMORANDUM

TO: Members of the Iowa General Assembly
FROM: Marilyn Lantz, Legislative Liaison
DATE: January 10, 2000
SUBJECT: Interagency Information Sharing Agreements

The Iowa Attorney General's Office is submitting a bill request dealing with interagency information sharing agreements between schools and juvenile justice agencies.

Iowa Code section 280.25 currently allows school districts to create interagency information sharing agreements with state and local agencies that are part of the juvenile justice system in order to do joint case planning. Parties to the agreement must agree to keep this information confidential.

The purpose is to promote cooperation, collaboration and the sharing of appropriate information among agencies in joint efforts to 1) reduce juvenile crime, 2) improve school safety, 3) reduce alcohol and illegal drug use, 4) reduce truancy, and 5) reduce school suspensions.

School districts are permitted to share otherwise confidential information from a student's permanent record pursuant to the agreement. There is no provision, however, allowing the juvenile court services or the department of human services to share information in a reciprocal manner. This defeats the purpose of the agreement.

This bill allows juvenile court social information and child abuse information to be shared with schools and other juvenile justice agencies pursuant to an interagency information sharing agreement. Such information would be for the purpose of planning and coordinating programs and services to the juvenile or the juvenile's family, could not be used as the basis for school disciplinary action against the student, and would be governed by the confidentiality terms of the agreement.

FEB 25 2000

Place On Calendar

WITHDRAWN

3/28/00
(P. 1026)

HOUSE FILE 2460
BY COMMITTEE ON HUMAN RESOURCES

(SUCCESSOR TO HSB 708)

Passed House, Date _____ Passed Senate, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

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HF 2460

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35 agreement, that confidential information shared between among

1 the parties to the agreement shall remain confidential and
2 shall not be shared with any other person, school, school
3 district, or agency, unless otherwise provided by law.

4 7. Juvenile court social records may be disclosed in
5 accordance with section 232.147, subsection 5A.

6 8. A school or school district entering into an
7 interagency agreement under this section shall adopt a policy
8 implementing the provisions of the interagency agreement. The
9 policy shall include, but not be limited to, the provisions of
10 the interagency agreement and the procedures to be used by the
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HOUSE FILE 2460

H-8074

- 1 Amend House File 2460 as follows:
2 1. Page 1, by inserting before line 1 the
3 following:
4 "Section 1. Section 217.30, subsection 4,
5 paragraph b, Code 1999, is amended to read as follows:
6 b. Confidential information described in
7 subsection 1, paragraphs "a," "b", and "c", shall be
8 disclosed to public officials, for use in connection
9 with their official duties relating to law
10 enforcement, audits and other purposes directly
11 connected with the administration of such programs,
12 upon written application to and with approval of the
13 director or the director's designee. Confidential
14 information described in subsection 1 paragraphs "a",
15 "b", and "c", shall also be disclosed to public
16 officials, for use in connection with their official
17 duties relating to the support and protection of
18 children and families, upon written application to and
19 with the approval of the director or the director's
20 designee."
21 2. Title page, by striking line 2 and inserting
22 the following: ", child abuse records, or other
23 information."
24 3. By renumbering as necessary.
25

By BODDICKER of Cedar

H-8074 FILED FEBRUARY 28, 2000

W/D 3/28/00
(P.1024)

HOUSE FILE 2460

H-8108

- 1 Amend House File 2460 as follows:
2 1. Page 1, line 9, by inserting after the figure
3 "280.25." the following: "The disclosure be limited
4 to information that is necessary to plan and
5 coordinate services to the child and the family of the
6 child."

By KREIMAN of Davis

H-8108 FILED FEBRUARY 29, 2000

W/D
3/28/00 (P.1024)

**SENATE FILE 2460
FISCAL NOTE**

A fiscal note for Senate File 2460 is hereby submitted pursuant to Joint Rule 17. Data used in developing this fiscal note is available from the Legislative Fiscal Bureau to members of the Legislature upon request.

Senate File 2460 exempts from State sales and use taxes and from local option sales and services taxes the gross receipts from the sale of fuel used in the preservation or improvement of the condition of harvested grain. The Bill would take effect upon enactment, and it applies retroactively to January 1, 1988. The aggregate amount of refund payments is limited to \$25,000.

ASSUMPTIONS

1. Grain aeration generally occurs during the winter and spring on an intermittent basis to warm grain and to maintain its moisture content at a desirable level.
2. Grain is aerated about six times on average during the period.
3. Each period of aeration involves the use of \$0.0010 to \$0.0015 of electricity per bushel of grain.
4. The off-farm and the on-farm storage capacities in the State total approximately 980 million bushels and 1.6 billion bushels, respectively.
5. Most farmers and elevators have a single electric meter, and thus, do not keep track separately of the amount of electricity used in conjunction with grain drying and grain aeration.

FISCAL IMPACTS

Senate File 2460 will result in a \$775,000 to \$1,250,000 per year reduction in the liability for State taxes by exempting fuel used to condition grain by aeration. An additional \$25,000 impact will result from paying retroactive refund claims. However, since many farmers and elevator operators already assume the exemption for the use of electricity in grain drying also applies to grain aeration, it is unlikely the fiscal impact will be as great as the total liability estimate.

SOURCES

Iowa State University, Department of Agricultural and Bio-Systems Engineering
1998 Iowa Agricultural Statistics

(LSB 6200SV, MAL)

FILED APRIL 20, 2000

BY DENNIS PROUTY, FISCAL DIRECTOR