

# House Study Bill 708

## Bill Text

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1 1 Section. 1. Section [232.147](#), Code 1999, is amended by  
1 2 adding the following new subsection:  
1 3 NEW SUBSECTION. 5A. Social records prior to adjudication  
1 4 may be disclosed without court order, to the superintendent or  
1 5 superintendent's designee of a school district, authorities in  
1 6 charge of an accredited nonpublic school, or any other state  
1 7 or local agency that are part of the juvenile justice system,  
1 8 in accordance with an interagency agreement established under  
1 9 section 280.25. The social records disclosed shall be used  
1 10 solely for the purpose of determining the programs and  
1 11 services appropriate to the needs of the child or the family  
1 12 of the child and shall not be disclosed for any other purpose  
1 13 unless otherwise provided by law.

1 14 Sec. 2. Section [235A.15](#), subsection 2, paragraph b,  
1 15 subparagraph (4), Code Supplement 1999, is amended to read as  
1 16 follows: 180

1 17 (4) To a multidisciplinary team, or to parties to an  
1 18 interagency agreement entered into pursuant to section 280.25,  
1 19 if the department of human services approves the composition  
1 20 of the multidisciplinary team or the relevant provisions of  
1 21 the interagency agreement and determines that access to the  
1 22 team or to the parties to the interagency agreement is  
1 23 necessary to assist the department in the diagnosis,  
1 24 assessment, and disposition of a child abuse case.

1 25 Sec. 3. Section [280.25](#), Code 1999, is amended to read as  
1 26 follows:

1 27 280.25 INFORMATION SHARING INTERAGENCY AGREEMENTS.

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

~~including the~~

~~-. These agencies include~~

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

2 7 2. The purpose of the agreement shall be to reduce  
2 8 juvenile crime by promoting cooperation and collaboration and  
2 9 the sharing of appropriate information

~~between~~

~~- among the~~

2 10 parties in a joint effort to improve school safety, reduce  
2 11 alcohol and illegal drug use, reduce truancy, reduce in-school  
2 12 and out-of-school suspensions, and to support alternatives to  
2 13 in-school and out-of-school suspensions and expulsions which  
2 14 provide structured and well-supervised educational programs  
2 15 supplemented by coordinated and appropriate services designed

2 16 to correct behaviors that lead to truancy, suspension, and  
2 17 expulsions and to support students in successfully completing  
2 18 their education.

2 19 3. Information shared under the agreement shall be used  
2 20 solely for determining the programs and services appropriate  
2 21 to the needs of the juvenile or the juvenile's family, or  
2 22 coordinating the delivery of programs and services to the  
2 23 juvenile or the juvenile's family.

2 24 4. Information shared by the school district or school  
2 25 under the agreement is not admissible in any court proceedings  
2 26 which take place prior to a disposition hearing, unless  
2 27 written consent is obtained from a student's parent, guardian,  
2 28 or legal or actual custodian.

2 29 5. Information shared by another party to the agreement  
2 30 with a school district or school pursuant to an interagency  
2 31 agreement shall not be used as a basis for a school  
2 32 disciplinary action against a student.

2 33 6. The interagency agreement shall provide, and each  
2 34 signatory agency to the agreement shall certify in the  
2 35 agreement, that confidential information shared

~~between~~

~~among~~

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

3 4 7. Juvenile court social records may be disclosed in  
3 5 accordance with section 232.147, subsection 5A.

3 6 8. A school or school district entering into an  
3 7 interagency agreement under this section shall adopt a policy  
3 8 implementing the provisions of the interagency agreement. The  
3 9 policy shall include, but not be limited to, the provisions of  
3 10 the interagency agreement and the procedures to be used by the  
3 11 school or school district to share information from the  
3 12 student's permanent record with participating agencies. The  
3 13 policy shall be published in the student handbook.

3 14 EXPLANATION

3 15 This bill provides for the sharing of juvenile court social  
3 16 records pursuant to an interagency agreement prior to any  
3 17 adjudication. The bill allows such records to be disclosed,  
3 18 without court order, for the purpose of sharing information  
3 19 with schools and juvenile justice system agencies that have  
3 20 agreed to share information.

3 21 The bill also provides for the sharing of department of  
3 22 human services' child abuse information with parties to an  
3 23 interagency agreement if the interagency agreement is approved  
3 24 by the department, and if the sharing is necessary to assist  
3 25 the department in the disposition of a child abuse case.

3 26 Under existing law, a school may share information pursuant  
3 27 to an interagency agreement, but the other parties to the  
3 28 agreement are unable to share information with the school or  
3 29 other agencies that are part of the agreement.

3 30 LSB 5337DP 78

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