

ASSEMBLY BILL

No. 2617

Introduced by Assembly Member Baca

February 21, 1996

An act to amend Section 49076 of the Education Code, and to add Section 827.1 to the Welfare and Institutions Code, relating to juveniles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2617, as introduced, Baca. Juveniles: disclosure of records.

Existing law prohibits a school district from permitting access to pupil records to any person without written parental consent or judicial order, except as provided.

This bill would authorize any school district, including any county office of education or superintendent of schools, to participate in an interagency data information system that permits access to a computerized data base system within and between governmental agencies or districts, as provided.

Existing law generally provides, with certain exceptions, for the confidentiality of juvenile court records. Existing law provides for the dissemination of that information to school authorities, as specified, in the school system in which the minor is a student.

This bill would authorize a city, county, or city and county to establish a computerized data base system that permits the probation department, law enforcement agencies, and school districts to access probation department, law enforcement,

school district, and juvenile court information and records, as provided.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 49076 of the Education Code is
2 amended to read:

3 49076. A school district is not authorized to permit
4 access to pupil records to any person without written
5 parental consent or under judicial order except that:

6 (a) Access to those particular records relevant to the
7 legitimate educational interests of the requester shall be
8 permitted to the following:

9 (1) School officials and employees of the district,
10 members of a school attendance review board appointed
11 pursuant to Section 48321, and any volunteer aide, 18
12 years of age or older, who has been investigated, selected,
13 and trained by a school attendance review board for the
14 purpose of providing followup services to students
15 referred to the school attendance review board, provided
16 that the person has a legitimate educational interest to
17 inspect a record.

18 (2) Officials and employees of other public schools or
19 school systems, including local, county, or state
20 correctional facilities where educational programs
21 leading to high school graduation are provided, where
22 the pupil intends to or is directed to enroll, subject to the
23 rights of parents as provided in Section 49068.

24 (3) Authorized representatives of the Comptroller
25 General of the United States, the Secretary of Health,
26 Education, and Welfare, and administrative head of an
27 education agency, state education officials, or their
28 respective designees, or the United States Office of Civil
29 Rights, where the information is necessary to audit or
30 evaluate a state or federally supported education
31 program or pursuant to a federal or state law, provided
32 that except when collection of personally identifiable
33 information is specifically authorized by federal law, any



1 data collected by those officials shall be protected in a
2 manner which will not permit the personal identification
3 of students or their parents by other than those officials,
4 and any personally identifiable data shall be destroyed
5 when no longer needed for the audit, evaluation, and
6 enforcement of federal legal requirements.

7 (4) Other state and local officials to the extent that
8 information is specifically required to be reported
9 pursuant to state law adopted prior to November 19, 1974.

10 (5) Parents of a pupil 18 years of age or older who is a
11 dependent as defined in Section 152 of the Internal
12 Revenue Code of 1954.

13 (6) A pupil 16 years of age or older or having
14 completed the 10th grade who requests access.

15 (7) Any district attorney who is participating in or
16 conducting a truancy mediation program pursuant to
17 Section 48263.5, or Section 601.3 of the Welfare and
18 Institutions Code, or participating in the presentation of
19 evidence in a truancy petition pursuant to Section 681 of
20 the Welfare and Institutions Code.

21 (8) A prosecuting agency for consideration against a
22 parent or guardian for failure to comply with the
23 Compulsory Education Law (Chapter 2 (commencing
24 with Section 48200) of Part 27 of Division 4 of Title 2) or
25 with Compulsory Continuation Education (Chapter 3
26 (commencing with Section 48400) of Part 27 of Division
27 4 of Title 2).

28 (9) Any probation officer or district attorney for the
29 purposes of conducting a criminal investigation or an
30 investigation in regards to declaring a person a ward of
31 the court or involving a violation of a condition of
32 probation.

33 (b) School districts may release information from
34 pupil records to the following:

35 (1) Appropriate persons in connection with an
36 emergency if the knowledge of the information is
37 necessary to protect the health or safety of a student or
38 other persons.

39 (2) Agencies or organizations in connection with a
40 student's application for, or receipt of, financial aid.



1 However, information permitting the personal
2 identification of students or their parents may be
3 disclosed only as may be necessary for purposes as to
4 determine the eligibility of the pupil for financial aid, to
5 determine the amount of the financial aid, to determine
6 the conditions which will be imposed regarding the
7 financial aid, or to enforce the terms or conditions of the
8 financial aid.

9 (3) The county elections official, for the purpose of
10 identifying students eligible to register to vote, and for
11 conducting programs to offer students an opportunity to
12 register to vote. The information, however, shall not be
13 used for any other purpose or given or transferred to any
14 other person or agency.

15 (4) Accrediting associations in order to carry out their
16 accrediting functions.

17 (5) Organizations conducting studies for, or on behalf
18 of, educational agencies or institutions for the purpose of
19 developing, validating, or administering predictive tests,
20 administering student aid programs, and improving
21 instruction, if the studies are conducted in a manner that
22 will not permit the personal identification of students or
23 their parents by persons other than representatives of the
24 organizations and the information will be destroyed
25 when no longer needed for the purpose for which it is
26 obtained.

27 (6) Officials and employees of private schools or school
28 systems where the pupil is enrolled or intends to enroll,
29 subject to the rights of parents as provided in Section
30 49068. This information shall be in addition to the pupil's
31 permanent record transferred pursuant to Section 49068.

32 No person, persons, agency, or organization permitted
33 access to pupil records pursuant to this section shall
34 permit access to any information obtained from those
35 records by any other person, persons, agency, or
36 organization without the written consent of the pupil's
37 parent. However, this paragraph shall not be construed
38 as requiring prior parental consent when information
39 obtained pursuant to this section is shared with other
40 persons within the educational institution, agency, or



1 organization obtaining access, so long as those persons
2 have a legitimate interest in the information.

3 *(c) Notwithstanding any other provision of law, any*
4 *school district, including any county office of education or*
5 *superintendent of schools, may participate in an*
6 *interagency data information system that permits access*
7 *to a computerized data base system within and between*
8 *governmental agencies or districts as to information or*
9 *records which are nonprivileged, and where release is*
10 *authorized as to the requesting agency under state or*
11 *federal law or regulation, as long as each of the following*
12 *requirements are met:*

13 *(1) Each agency and school district shall develop*
14 *security procedures or devices by which unauthorized*
15 *personnel cannot access data contained in the system.*

16 *(2) Each agency and school district shall develop*
17 *procedures or devices to secure privileged or confidential*
18 *data from unauthorized disclosure.*

19 *(3) Each school district shall comply with the access*
20 *log requirements of Section 49064.*

21 *(4) The right of access granted shall not include the*
22 *right to add, delete, or alter data without the written*
23 *permission of the agency holding the data.*

24 *(5) No agency or school district may make public or*
25 *otherwise release information on an individual contained*
26 *in the data base where the information is protected from*
27 *disclosure or release as to the requesting agency by state*
28 *or federal law or regulation.*

29 SEC. 2. Section 827.1 is added to the Welfare and
30 Institutions Code, to read:

31 827.1. (a) Notwithstanding any other provision of
32 law, a city, county, or city and county may establish a
33 computerized data base system within that city, county,
34 or city and county that permits the probation
35 department, law enforcement agencies, and school
36 districts to access probation department, law
37 enforcement, school district, and juvenile court
38 information and records which are nonprivileged and
39 where release is authorized under state or federal law or
40 regulation, regarding minors under the jurisdiction of the



1 juvenile court pursuant to Section 602 or for whom a
2 program of supervision has been undertaken where a
3 petition could otherwise be filed pursuant to Section 602.

4 (b) Each city, county, or city and county permitting
5 computer access to these agencies shall develop security
6 procedures by which unauthorized personnel cannot
7 access data contained in the system as well as procedures
8 or devices to secure data from unauthorized access or
9 disclosure. The right of access granted shall not include
10 the right to add, delete, or alter data without the written
11 permission of the agency holding the data.

