

1 SB138
2 162824-1
3 By Senator Orr
4 RFD: Education & Youth Affairs
5 First Read: 03-MAR-15

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8 SYNOPSIS: Under existing law, a juvenile court is
9 required to notify the superintendent of the school
10 district of a child, when the child is found
11 delinquent for an act that would be a Class A or
12 Class B felony. The juvenile court may notify the
13 superintendent when a child is found delinquent for
14 committing any other crime.

15 This bill would allow a juvenile probation
16 officer to share certain information and records
17 relating to a child, excluding mental health and
18 medical records, with school personnel for the
19 limited purpose of promoting safety and enhancing
20 education and rehabilitation services provided to
21 the child.

22 This bill would also provide that all shared
23 information and records must remain confidential
24 and provide immunity for the sharing or receipt of
25 information in good faith.

26
27 A BILL

1 TO BE ENTITLED

2 AN ACT

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4 To amend Section 12-15-217, Code of Alabama 1975, to
5 allow a juvenile probation officer to share certain
6 information and records relating to a child, excluding mental
7 health and medical records, with school personnel for limited
8 purposes; to provide for the confidentiality of shared
9 information and records; and to provide immunity.

10 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

11 Section 1. Section 12-15-217, Code of Alabama 1975,
12 is amended to read as follows:

13 "§12-15-217.

14 "(a) Notwithstanding subsection (a) of Section
15 12-15-133, written notice that a child enrolled in a school,
16 kindergarten to grade 12, has been found delinquent of an act,
17 which if committed by an adult, would be a Class A or B
18 felony, or any other crime, at the discretion of the juvenile
19 court, shall be provided within seven days to the
20 superintendent of the school district of attendance, or, if
21 the child attends a private school, to the principal of the
22 school. The juvenile court shall provide the notice using
23 whatever method it deems appropriate or otherwise as decided
24 by the Administrative Office of Courts. The prosecutor may
25 recommend to the juvenile court that notice be given to the
26 school for any delinquent act. Written notice shall include
27 only the offenses, enumerated by the appropriate code section

1 and brief description, found to have been committed by the
2 child and the disposition of the case involving the child.
3 Where applicable, this notice shall be expeditiously
4 transmitted by the district superintendent to the principal at
5 the school of attendance. The principal shall disseminate the
6 information to those counselors directly supervising or
7 reporting on the behavior or progress of the child. In
8 addition, the principal may disseminate the information to any
9 teacher, administrator, or other school employee directly
10 supervising or reporting on the behavior or progress of the
11 child whom the principal believes needs the information to
12 work with the pupil in appropriate fashion or to protect other
13 students and staff.

14 "(b) Any information received by a teacher,
15 counselor, administrator, or other school employee pursuant to
16 this section shall be received in confidence for the limited
17 purpose of rehabilitating the child and protecting students
18 and staff, and shall not be further disseminated by the
19 teacher, counselor, or administrator, except insofar as
20 communication with the child, his or her parent, legal
21 guardian, legal custodian, law enforcement personnel, and the
22 juvenile probation officer of the child is necessary to
23 effectuate the rehabilitation of the child or to protect
24 students and staff.

25 "(c) (1) Notwithstanding any other law, a juvenile
26 probation officer may share any information or records,
27 excluding mental health or medical records, concerning a

1 specific child who is or will be enrolled as a student at a
2 school with the superintendent of the school district, or his
3 or her designee, or the school's principal, or his or her
4 designee, if disclosure of the information or records promotes
5 public safety or the safety of the child, or enhances the
6 school's or the probation officer's ability to provide
7 education and other rehabilitation services to the child. The
8 superintendent, principal, or respective designee may
9 disseminate this information to only those school employees
10 directly supervising the child or reporting on the behavior or
11 progress of the child.

12 "(2) Information or records received by a
13 superintendent, principal, or respective designee under
14 subdivision (1) may only be used for the limited purposes
15 provided therein and shall remain confidential.

16 "(3) A juvenile probation officer, superintendent,
17 principal, or designee of a superintendent or principal
18 sharing or receiving information under subdivision (1) is
19 immune from all civil and criminal liability if the individual
20 acted in good faith and in compliance with this subsection.

21 "~~(c)~~(d) An intentional violation of the
22 confidentiality provisions of this section is a Class A
23 misdemeanor under the jurisdiction of the juvenile court."

24 Section 2. This act shall become effective on the
25 first day of the third month following its passage and
26 approval by the Governor, or its otherwise becoming law.