

MAINE STATE LEGISLATURE

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L.D. 1933

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CRIMINAL JUSTICE

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**STATE OF MAINE
SENATE
119TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 687, L.D. 1933, Bill, "An Act to Promote Sharing of Information Between Schools and Criminal Justice Agencies"

Amend the bill by striking out everything after the enacting clause and before the summary and inserting in its place the following:

'Sec. 1. 15 MRSA §3008 is enacted to read:

§3008. Dissemination of education records of preadjudicated juveniles

Pursuant to Title 20-A, section 6001, schools may distribute education records of preadjudicated juveniles to criminal justice agencies or agencies that by court order or agreement of the juvenile are responsible for the health or welfare of the juvenile if the education records are relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation.

Sec. 2. 20-A MRSA §6001, as amended by PL 1999, c. 17, §1, is repealed and the following enacted in its place:

§6001. Dissemination of information

1. Federal and state law. The provisions of this section, the United States Family Educational Rights and Privacy Act of 1974, Public Law 93-380, as amended by Public Law 93-568, and the United States Education of All Handicapped Children Act, Public Law 94-142 govern the dissemination of information about

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students, as well as applications for equivalent instruction through home instruction, comments on the completeness of those applications and all education records of students receiving equivalent instruction through home instruction.

2. Internet restrictions. A public school may not publish on the Internet or provide for publication on the Internet any personal information about its students without first obtaining the written approval of those students' parents. For the purpose of this section, "personal information" means information that identifies a student, including, but not limited to, the student's full name, photograph, personal biography, e-mail address, home address, date of birth, social security number and parents' names.

3. Dissemination of education records to criminal justice agencies. A school may disseminate education records as defined in 20 United States Code, Section 1232 g(a)(4) regarding a juvenile if:

A. The juvenile has not been adjudicated as having committed a juvenile crime;

B. The education records are disseminated to:

(1) Criminal justice agencies; or

(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

C. The education records are relevant to and disseminated for the purpose of creating or maintaining an individualized plan for the juvenile's rehabilitation.

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.'

SUMMARY

This amendment replaces the bill and is the majority report of the Joint Standing Committee on Criminal Justice. The

COMMITTEE AMENDMENT "A" to S.P. 687, L.D. 1933

2 amendment authorizes schools to disseminate education records of
3 preadjudicated juveniles to criminal justice agencies or agencies
4 that by court order or agreement of the juvenile are responsible
5 for the health or welfare of the juvenile. The education records
6 may be disseminated only if the records are relevant to and
7 disseminated for the purpose of creating or maintaining an
8 individualized plan for the juvenile's rehabilitation. Education
9 records received are confidential and may not be further
10 disseminated, except to the court or as otherwise provided by
11 law. The persons to whom the education records are disseminated
12 shall certify in writing to the school that the records will not
13 be disclosed to any other party, except the court or as otherwise
14 provided by law, without the written consent of the juvenile or
the juvenile's parent or guardian.