

BILL ANALYSIS

Senate Research Center

H.B. 1749
By: Van de Putte (Armbrister)
Criminal Justice
5/3/1999
Engrossed

DIGEST

Currently, public elementary and secondary schools must adhere to the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C., Section 1232). The Act governs disclosure of information in educational records. A 1994 amendment to the Act authorizes educators to share with juvenile justice officials information on children who are at-risk of becoming involved, or are already involved, in the juvenile justice system. H.B. 1749 would authorize certain disclosures between the educational and juvenile justice information systems.

PURPOSE

As proposed, H.B. 1749 would authorize certain disclosures between the educational and juvenile justice information systems.

RULEMAKING AUTHORITY

This bill does not grant any additional rulemaking authority to a state officer, institution, or agency.

SECTION BY SECTION ANALYSIS

SECTION 1. Amends Chapter 58A, Family Code, by adding Section 58.0051, as follows:

Sec. 58.0051. INTERAGENCY SHARING OF RECORDS. Provides that within each county, a district school superintendent and the juvenile probation department (department) may enter into a written interagency agreement to share information about juvenile offenders. Requires the agreement to specify the conditions under which a student's summary criminal history will be made available to appropriate school personnel. Requires the agreement to specify the conditions under which a student's school records will be made available to appropriate juvenile justice agencies. Requires information disclosed under this section to be related to the juvenile system's ability to serve, before adjudication, the student whose records are being released. Requires the juvenile system agency official who receives information under this section to certify, in writing, that the institution or individual receiving the information has agreed not to disclose it to a third party other than another juvenile justice agency. Requires a juvenile justice agency that receives information under this section to destroy it when the child is no longer under the jurisdiction of the court.

SECTION 2. Amends Chapter 37C, Education Code, by adding Section 37.084, as follows:

Sec. 37.084. INTERAGENCY SHARING OF RECORDS. Authorizes a school district's superintendent to disclose certain information to a juvenile justice agency, but the disclosure must be under the agreement authorized under Section 58.0051, Family Code. Sets forth the agencies with which the commissioner of education may enter into an agreement. Provides that this section does not require or authorize release of student-level information except in conformity with the Family Educational Rights and Privacy Act of 1974 (20 U.S.C., Section 1232g), as amended.

SECTION 3 Emergency clause.
 Effective date: upon passage.