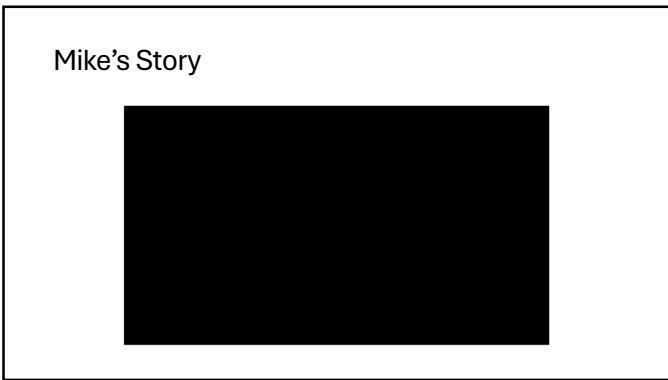
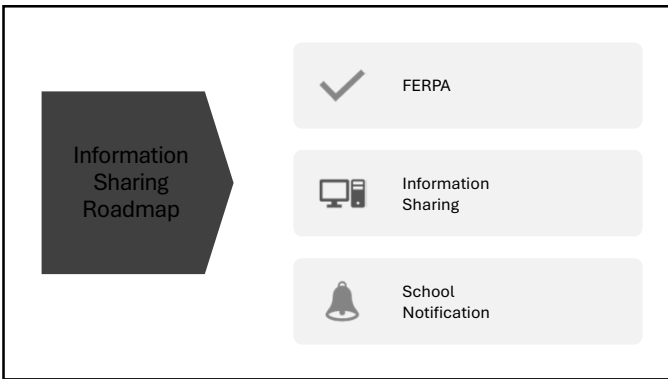


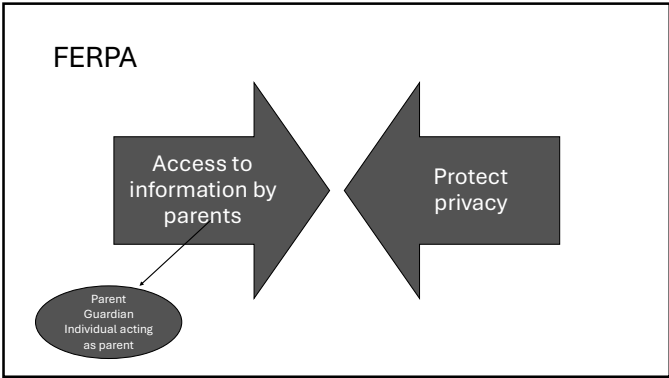
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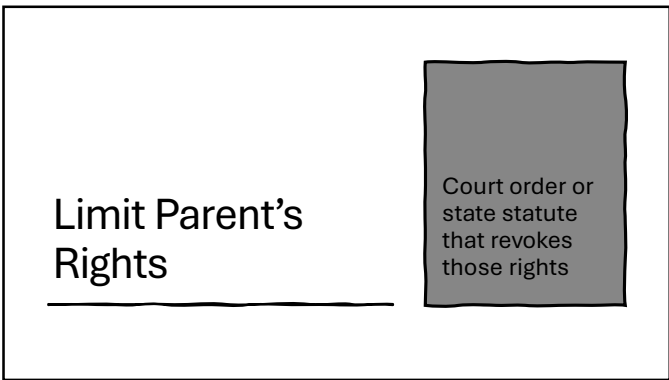
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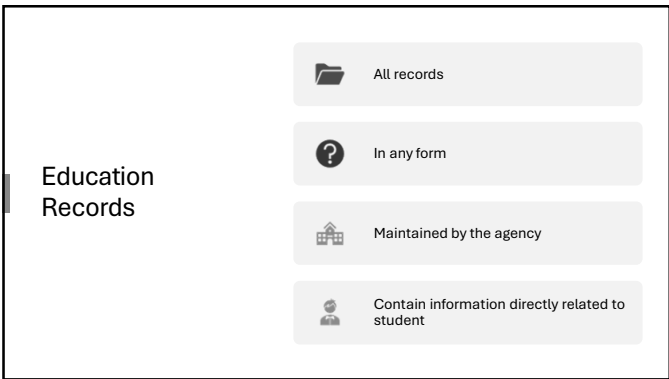
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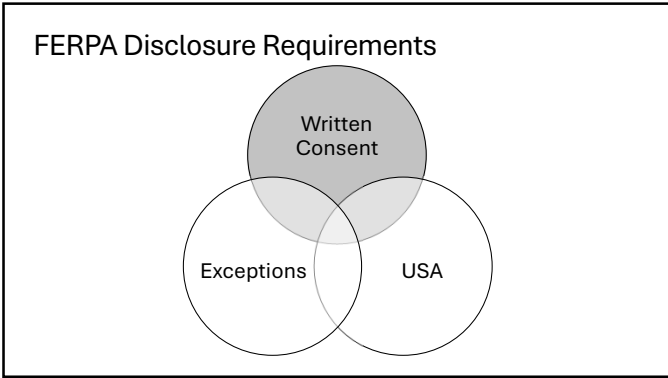
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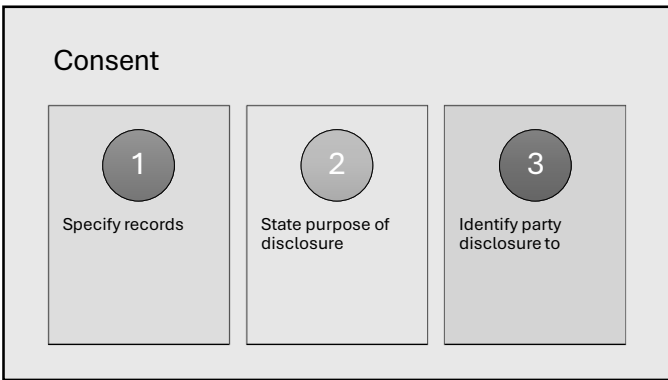
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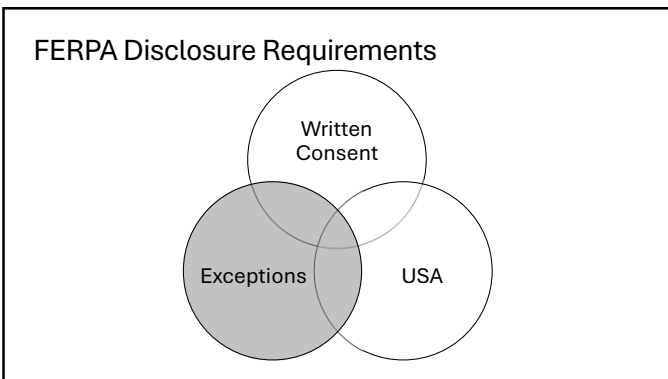
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9



Subpoena



Court order


Before complying, school make reasonable effort to notify parent unless

- A/N/D case where parent is party
- Subpoena for law enforcement purposes and court ordered no disclosure

10

Health or Safety Emergency

if necessary to protect health or safety of student or others

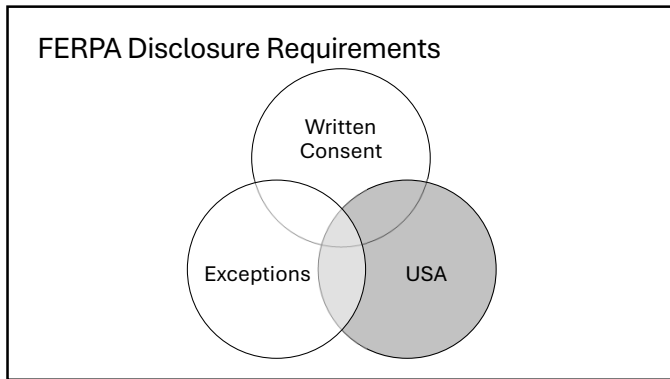


11

School child seeks to enroll

Only those portions of record where there is a legitimate education purpose

12



13

Uninterrupted Scholars Act

May disclose to DSS caseworker when DSS legally responsible for care and protection of child

14

School documentation

Within student's record, all agencies or individuals who requested or obtained record and their legitimate interest in doing so

DOCUMENT

15

No Redisclosure Unless

Court order or
subpoena

Parent consent

Authorized and
documented by
education agency

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Examples of School Records


- Transcript, report cards, standardized tests
- Progress notes
- Activities
- IEP/504
- Evaluations
- Attendance records
- Immunization records
- Vocational assessments
- Behavior plans

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Importance of DSS accessing school records

- Informed placement decisions
- School stability
- Appropriate grade/classroom placement
- Credit transfer/graduation requirements
- Attendance/truancy
- Supports and services
- Determine need for IDEA educational decision-maker
- School discipline

18



Case Plan

42 CFR 675(C)(1)
10A NCAC 70G .0506(a)

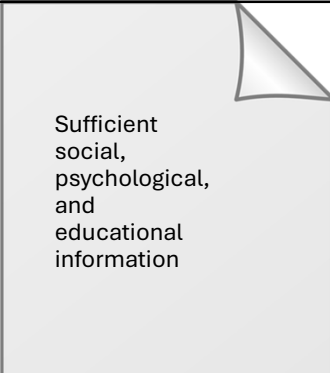
Written document includes education records

- Names & addresses of educational provider
- Grade level performance
- School record
- Other relevant information

19


Predisposition Report

G.S. 7B-808



Sufficient social, psychological, and educational information

20




Copy of Records to Aging Out Juvenile

G.S. 7B-912(b), (b1)

PPH after 17th birthday

- DSS report must include whether DSS provided information about education or vocational plans when juvenile turns 18
- Inquire if juvenile has educational records juvenile requests

21



Young adults

G.S. 7B-910.1

Judicial review

Services to further educational or vocational ambitions (if relevant)

22

FERPA and Juvenile Justice: sharing educational records without parental consent

School transfer

- parent notification and opportunity for a hearing to challenge the content of the record required (20 U.S.C. § 1232g.(b)(1)(B))

When allowed by state law, to JJ system before adjudication for ability to effectively serve the student

- JJ official must certify in writing that any redisclosure will only occur without parental consent per state law (20 U.S.C. § 1232g.(b)(1)(E)(ii))

In response to a law enforcement subpoena

- Can order no disclosure of existence or contents of the subpoena (20 U.S.C. § 1232g.(b)(1)(J))

Child welfare caseworker

- If DSS is legally responsible for the care and protection of the juvenile (20 U.S.C. § 1232g.(b)(1)(L))

Pursuant to a court order

- Parents and student must be notified by the educational agency in advance of compliance (20 U.S.C. § 1232g.(b)(2)(B))

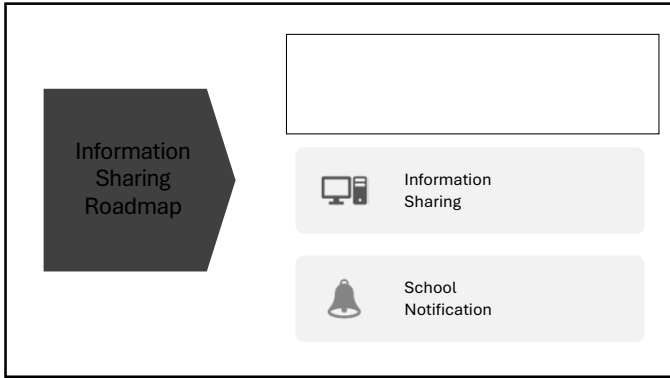
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FERPA and Juvenile Justice: law enforcement records

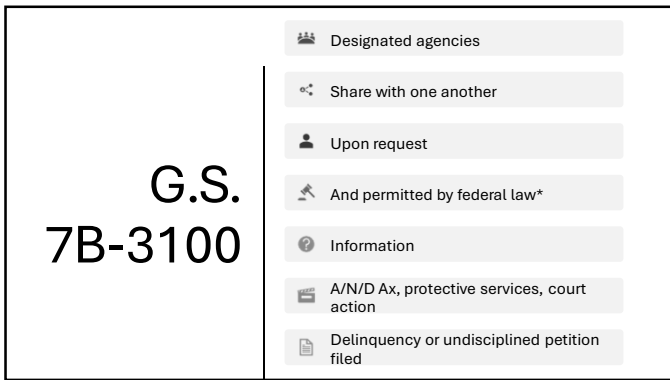
Records maintained by a law enforcement unit of the educational agency that were created by that law enforcement unit for law enforcement purposes are **not educational records** under FERPA

20 U.S.C. § 1232g.(a)(4)(B)(ii)

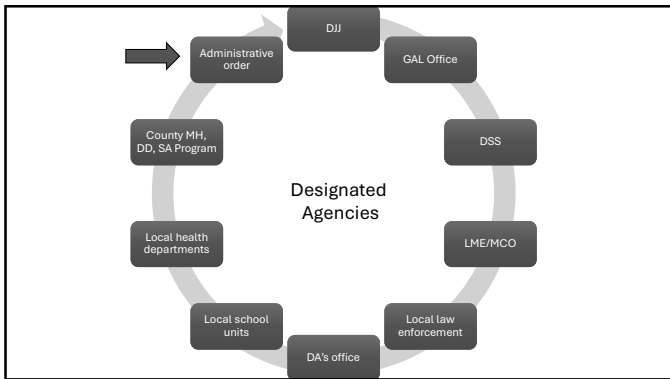
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Purpose

Protection of juvenile and others

Improve the educational opportunities of the juvenile

28

Reasons for Information sharing: A/N/D Cases

School enrollment if needed

Transportation issues

Role of DSS, placement provider, parents


Special challenges child is facing


Behavior issues to look for

Restrictions on visits/contact at school

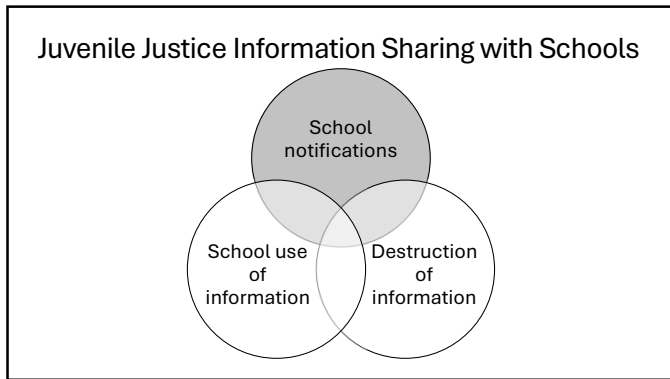
29

DSS Authority
G.S. 7B-302(e)

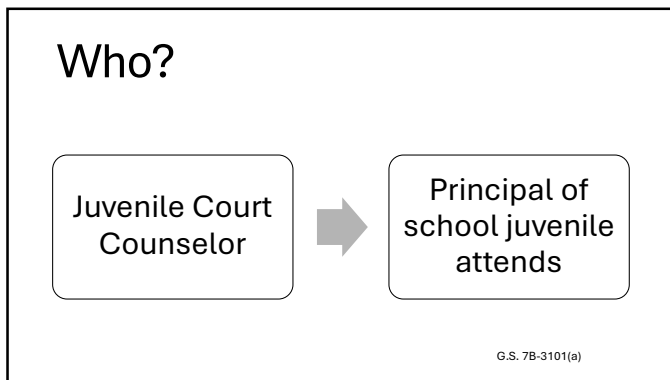
 Written demand for information*

 Director may consult with any public/private agencies or individuals

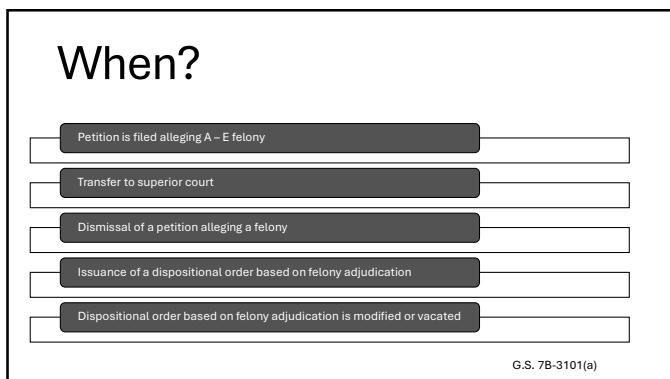
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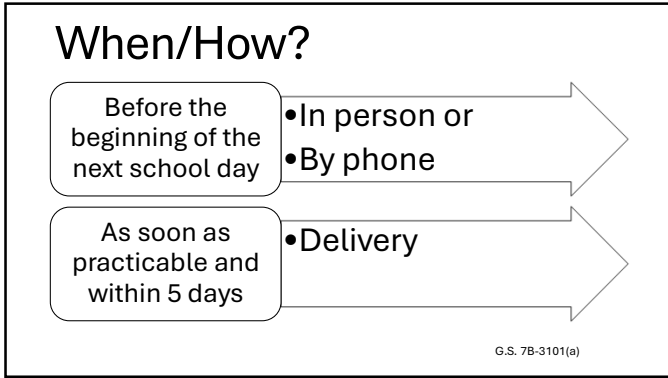
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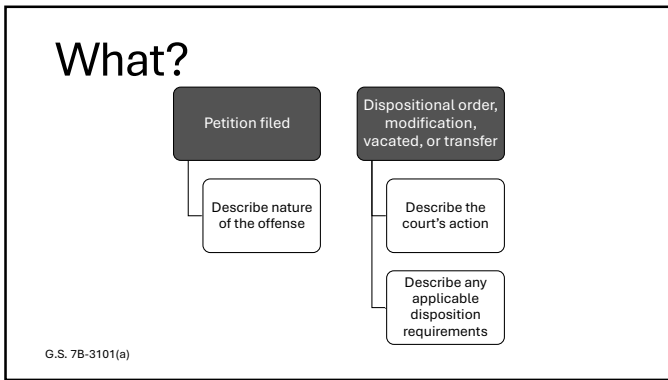
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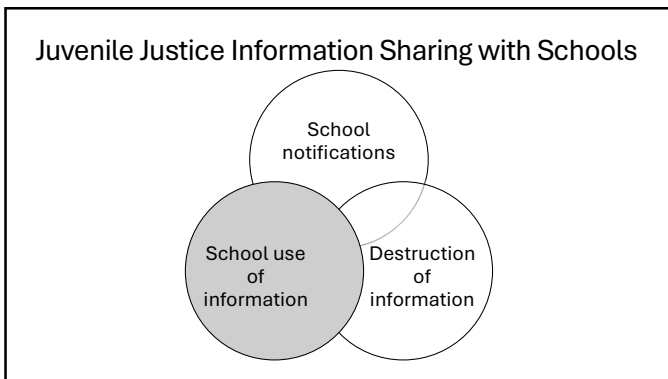
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Confidentiality and Storage



Records are confidential

- Applies to notifications and 7B-3100 information sharing
- Cannot be part of official student record



School record maintenance requirements

- Safe, locked record storage
- Separate from student's other school records

G.S. 115C-404(a)

37

Permissible School Uses

Protect the safety of
the student or
others

Improve the
education
opportunities for the
student or others

Cannot be the sole
basis for decision to
suspend or expel

G.S. 115C-404(b)

38

Information Sharing Within the School



Can share with people who have

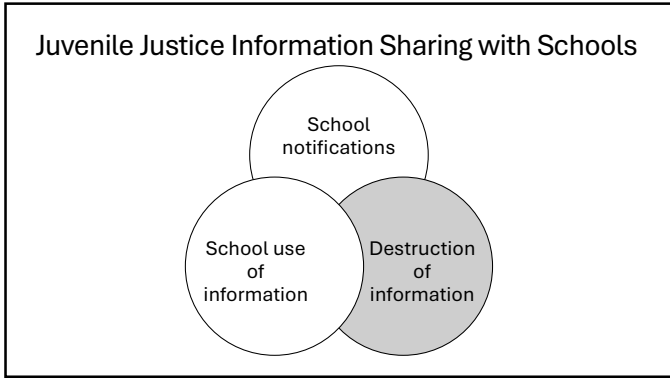
direct guidance, teaching, or supervisory responsibility for the student, and a specific need to know to protect the safety of the student or others



Those who see documents must sign confidentiality agreement. Failure to maintain confidentiality is grounds for dismissal

G.S. 115C-404(b)

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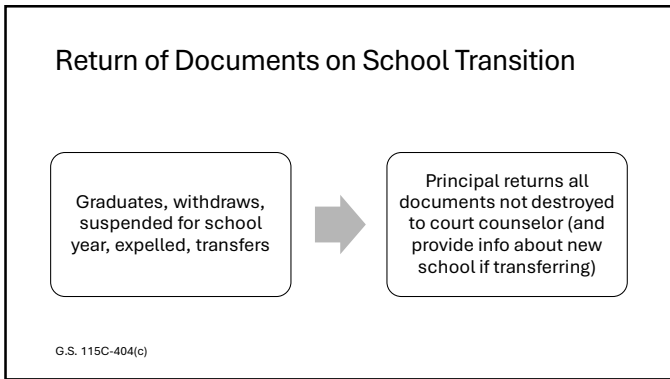
Shred, burn, or otherwise destroy

- Dismissal
- Transfer
- Expunction
- Principal finds school no longer needs information to protect the safety or improve educational opportunities for student or others

*Can never copy documents

G.S. 115C-404(a)

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Does the Exchange of Information Facilitate Educational Opportunities and Safety?



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