

Regular Session, 2012

SENATE BILL NO. 517

BY SENATOR MORRELL

JUVENILES. Requires the notification of certain school officials when certain children have been taken into custody. (8/1/12)

AN ACT

To amend and reenact Children's Code Art. 813(C) and to enact Children's Code Art. 814(G), relative to taking a child into custody; to require the notification of certain school officials when a child has been taken into custody; to provide for the confidentiality of such notification; to provide relative to violations of confidentiality; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. Children's Code Art. 813(C) is hereby amended and reenacted and Children's Code Art. 814(G) is hereby enacted to read as follows:

Art. 813. Taking child into custody with a court order; filing of verified complaint; execution

* * *

C.~~(1)~~ An order directing that a child be taken into custody may be executed by a peace officer or the child's probation officer having territorial jurisdiction over the child. The officer shall promptly notify the child's parents that their child has been taken into custody. The officer shall also promptly conduct the child to the appropriate facility in accordance with Article 815.

1 **(2)(a) The officer who takes such child into custody shall report to the**
2 **principal of any public school whenever a child enrolled therein is taken into**
3 **custody pursuant to the provisions of this Article. The report shall include the**
4 **basis for detaining the child, circumstances surrounding the events which led**
5 **to taking the child into custody, and whether such child was released to the care**
6 **of his parents or conducted to an appropriate facility. The report shall be**
7 **updated as appropriate to notify the principal of developments and the**
8 **disposition of the matter.**

9 **(b) The information derived shall be kept separate from and shall not**
10 **become a part of the official school record of such child and shall not be a public**
11 **record. Immediately upon receipt, the principal shall maintain these documents**
12 **in a safe, locked record storage that is separate from the student's other school**
13 **records. The principal shall shred, burn, or otherwise destroy documents**
14 **received to protect the confidentiality of the information. The principal shall**
15 **shred, burn, or otherwise destroy all information gained from examination of**
16 **juvenile records when he finds that the school no longer needs the information**
17 **to protect the safety of or to improve the educational opportunities for the**
18 **student or others. In no case shall the principal make a copy of these documents.**

19 **(c) Documents received under this Paragraph shall be used only to**
20 **protect the safety of or to improve the education opportunities for the student**
21 **or others. Information gained from such report shall not be the sole basis for a**
22 **decision to suspend or expel a student. Upon receipt of each document, the**
23 **principal shall share the document with those individuals who have direct**
24 **guidance, teaching, or supervisory responsibility for the student and a specific**
25 **need to know in order to protect the safety of the student or others. Those**
26 **individuals shall indicate in writing that they have read the document and that**
27 **they agree to maintain its confidentiality.**

28 **(d) If the student graduates, withdraws from school, is suspended for the**
29 **remainder of the school year, is expelled, or transfers to another school, the**

1 principal shall destroy such documents and, if applicable, shall provide the
2 officer with the name and address of the school to which the student is
3 transferring.

4 (3) Any violation of the confidentiality of the provisions of this
5 Paragraph shall be punishable as a constructive contempt of court pursuant to
6 Article 1509(D).

7 Art. 814. Taking child into custody without a court order; duties of the officer;
8 duties of the court

9 * * *

10 G.(1) The officer who takes such child into custody shall report to the
11 principal of any public school whenever a child enrolled therein is taken into
12 custody pursuant to the provisions of this Article. The report shall include the
13 basis for detaining the child, circumstances surrounding the events which led
14 to taking the child into custody, and whether such child was released to the care
15 of his parents or conducted to an appropriate facility. The report shall be
16 updated as appropriate to notify the principal of developments and the
17 disposition of the matter.

18 (a) The information derived shall be kept separate from and shall not
19 become a part of the official school record of such child and shall not be a public
20 record. Immediately upon receipt, the principal shall maintain these documents
21 in a safe, locked record storage that is separate from the student's other school
22 records. The principal shall shred, burn, or otherwise destroy documents
23 received to protect the confidentiality of the information. The principal shall
24 shred, burn, or otherwise destroy all information gained from examination of
25 juvenile records when he finds that the school no longer needs the information
26 to protect the safety of or to improve the educational opportunities for the
27 student or others. In no case shall the principal make a copy of these documents.

28 (b) Documents received under this Paragraph shall be used only to
29 protect the safety of or to improve the education opportunities for the student

1 or others. Information gained from such report shall not be the sole basis for a
 2 decision to suspend or expel a student. Upon receipt of each document, the
 3 principal shall share the document with those individuals who have direct
 4 guidance, teaching, or supervisory responsibility for the student and a specific
 5 need to know in order to protect the safety of the student or others. Those
 6 individuals shall indicate in writing that they have read the document and that
 7 they agree to maintain its confidentiality.

8 (c) If the student graduates, withdraws from school, is suspended for the
 9 remainder of the school year, is expelled, or transfers to another school, the
 10 principal shall destroy such documents and, if applicable, shall provide the
 11 officer with the name and address of the school to which the student is
 12 transferring.

13 (2) Any violation of the confidentiality of the provisions of this
 14 Paragraph shall be punishable as a constructive contempt of court pursuant to
 15 Article 1509(D).

The original instrument and the following digest, which constitutes no part
of the legislative instrument, were prepared by Cathy R. Wells.

DIGEST

Present law provides for the procedure of taking a child into custody, both with and without a court order.

Proposed law retains present law and requires the officer that takes such child into custody to report to the principal of any public school whenever a child enrolled therein is taken into custody. Proposed law requires the report to include the basis for detaining the child, circumstances surrounding the events which led to taking the child into custody, and if such child was released to the care of his parents or conducted to an appropriate facility. Proposed law further requires the report to be updated as appropriate to notify the principal of developments and the disposition of the matter.

Proposed law requires the information derived from such report to be kept separate from and not become a part of the official school record of such child. Proposed law provides that such report is confidential and is not to be a public record.

Proposed law requires the principle to immediately upon receipt, to maintain the document in a safe, locked record storage that is separate from the student's other school records.

Proposed law requires the principal to shred, burn, or otherwise destroy documents received to protect the confidentiality of the information. Proposed law further requires the principal to shred, burn, or otherwise destroy all information gained from examination of juvenile records when he finds that the school no longer needs the information to protect the safety

of or to improve the educational opportunities for the student or others. Proposed law prohibits the principal to make a copy of these documents.

Proposed law provides that documents received are to be used only to protect the safety of or to improve the education opportunities for the student or others and that information gained from such report shall not be the sole basis for a decision to suspend or expel a student.

Proposed law requires the principal to share the document with those individuals who have direct guidance, teaching, or supervisory responsibility for the student and a specific need to know in order to protect the safety of the student or others. Proposed law requires those individuals to indicate in writing that they have read the document and that they agree to maintain its confidentiality.

Proposed law requires the principal to destroy the records if the student graduates, withdraws from school, is suspended for the remainder of the school year, is expelled, or transfers to another school and, if applicable, provide the officer with the name and address of the school to which the student is transferring.

Proposed law provides that any violation of the confidentiality of the provisions of this Paragraph shall be punishable with a fine of not more than \$500 or imprisonment for not more than six months, or both.

Effective August 1, 2012.

(Amends Ch.C. Art. 813(C); adds Ch.C. Art. 814(G))