
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))