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MEMORANDUM

TO: Members, Utah State Board of Education

FROM: Martell Menlove, Ph.D.
Chief Executive Officer

DATE: May 9, 2014

ACTION: R277-714 *Dissemination of Information About Juvenile Offenders*
(Continuation)

Background:

R277-714 *Dissemination of Information About Juvenile Offenders* is due for a five-year review and continuation consistent with the Utah Administrative Rulemaking Act. The rule must be approved for continuation by the Board or it will expire on September 3, 2014. Staff has reviewed R277-714 and determined that the rule continues to be necessary. No changes are proposed to the rule at this time.

Key Points:

R277-714 continues to be necessary because it provides procedures for LEAs to follow in notifying school personnel of offenders in their schools and for protecting the confidentiality of the information.

Anticipated Action:

It is proposed that the Law and Licensing Committee consider approving R277-714 for continuation on first reading, and if approved by the Committee, the Board consider approving R277-714 for continuation on second reading.

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1 **R277. Education, Administration.**

2 **R277-714. Dissemination of Information About Juvenile**
3 **Offenders.**

4 **R277-714-1. Definitions.**

5 A. "Board" means the Utah State Board of Education.

6 B. "FERPA" means the Family Educational Rights and
7 Privacy Act of 1974, 20 U.S.C. 1232g, a federal law designed
8 to protect the privacy of students' education records. The
9 law is hereby incorporated by reference.

10 C. "GRAMA" means the Government Records Access and
11 Management Act, Title 63G, Chapter 2, a Utah law designed to
12 govern access to and control of government records.

13 D. "LEA" means a local education agency, including local
14 school boards/public school districts, charter schools, and,
15 for purposes of this rule, the Utah Schools for the Deaf and
16 the Blind.

17 E. "Superintendent" means the State Superintendent of
18 Public Instruction.

19 **R277-714-2. Authority and Purpose.**

20 A. This rule is authorized by Utah Constitution Article
21 X, Section 3 which vests general control and supervision over
22 public schools in the Board, Section 53A-1-401(3) which allows
23 the Board to adopt rules in accordance with its
24 responsibilities, and Section 53A-11-1003 which directs the
25 Board to adopt rules governing the dissemination of
26 information about juvenile offenders in the public schools.

27 B. The purpose of this rule is to provide procedures for
28 LEAs to follow in notifying school personnel of offenders in
29 their schools and for protecting the confidentiality of the
30 information.

31 **R277-714-3. Dissemination of Information.**

32 A. The dissemination of any information about students

33 among agencies and LEAs shall be consistent with FERPA and
34 GRAMA, including applicable time periods and protection of
35 confidential information.

36 B. Each LEA shall establish by written policy which
37 staff members have authority to receive confidential
38 information about students, depending upon the offense and the
39 circumstances. This policy shall be approved by the LEA and
40 available to parents and students upon request.

41 C. A dispute regarding the dissemination of information
42 shall be decided in favor of a student's rights to privacy,
43 except in the event of apparent imminent danger to persons or
44 property.

45 **KEY: public education, dissemination of information, juvenile**
46 **offenders**

47 **Date of Enactment or Last Substantive Amendment: March 12,**
48 **2012**

49 **Notice of Continuation: [~~September 3, 2009~~2014]**

50 **Authorizing, and Implemented or Interpreted Law: Art X Sec 3;**
51 **53A-1-401(3); 53A-11-1003**