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MEMORANDUM

TO: District Superintendents
School Principals

FROM: Cheri P. Yecke, Ph.D.

DATE: July 27, 2006

Contact Information:
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K-12: 2006-102

SUBJECT: NOTIFICATION OF SCHOOL PERSONNEL OF STUDENTS CHARGED WITH CERTAIN FELONY OR DELINQUENT ACTS

The purpose of this memorandum is twofold. First, it is to remind superintendents they must enter into an interagency agreement with the sheriff, the chief of police, and Department of Juvenile Justice for the purpose of sharing information about juvenile offenders among all parties, including appropriate school personnel. Second, upon notification by the superintendent, school principals must immediately notify classroom teachers when students charged with certain felonies or delinquent acts have been assigned to their classroom. Specifically, Section 985.04(3)(a) and (b), Florida Statutes, require:

> (a) "… Within each county, the sheriff, the chiefs of police, the district school superintendent, and the department shall enter into an interagency agreement for the purpose of sharing information about juvenile offenders among all parties. The agreement must specify the conditions under which summary criminal history information is to be made available to appropriate school personnel, and the conditions under which school records are to be made available to appropriate department personnel. Such agreement shall require notification to any classroom teacher of assignment to the teacher's classroom of a juvenile who has been placed in a probation or commitment program for a felony offense. The agencies entering into such agreement must comply with s. 943.0525, and must maintain the confidentiality of information that is otherwise exempt from s. 119.07(1), as provided by law.

b) The department shall disclose to the school superintendent the presence of any child in the care and custody or under the jurisdiction or supervision of the department who has a known history of criminal sexual behavior with other juveniles; is an alleged juvenile sex offender, as defined in s. 39.01; or has pled guilty or nolo contendere to, or has been found to have committed, a violation of chapter 794, chapter 796, chapter 800, s. 827.071, or s. 847.0133, regardless of adjudication. Any employee of a district school board who knowingly and willfully discloses such information to an unauthorized person commits a misdemeanor of the second degree, punishable as provided in s. 775.082 or s. 775.083."

Further, Section 985.04(7)(a) and (b), Florida Statutes, states:

"(7)(a) Notwithstanding any other provision of this section, when a child of any age is taken into custody by a law enforcement officer for an offense that would have been a felony if committed by an adult, or a crime of violence, the law enforcement agency must notify the superintendent of schools that the child is alleged to have committed the delinquent act.

(b) Notwithstanding paragraph (a) or any other provision of this section, when a child of any age is formally charged by a state attorney with a felony or a delinquent act that would be a felony if committed by an adult, the state attorney shall notify the superintendent of the child's school that the child has been charged with such felony or delinquent act. The information obtained by the superintendent of schools pursuant to this section must be released within 48 hours after receipt to appropriate school personnel, including the principal of the school of the child. The principal must immediately notify the child's immediate classroom teachers. Upon notification, the principal is authorized to begin disciplinary actions pursuant to s. 1006.09(1)-(4)."

And, Section 985.04(8), Florida Statutes, further states:

"Criminal history information made available to governmental agencies by the Department of Law Enforcement or other criminal justice agencies shall not be used for any purpose other than that specified in the provision authorizing the releases."

Please share this information with your School Resource Officer as well. Should you need additional information regarding the interagency agreements, please contact Matthew Guse. For any other information, please contact Lorraine Allen.

CPY/lha

cc: District School Safety Contacts
District School Police Chiefs