

STATE OF MINNESOTA  
COUNTY OF HENNEPIN

**FILED**  
DISTRICT COURT - JUVENILE DIVISION  
2002 NOV -6 AM 10:56  
FOURTH JUDICIAL DISTRICT

BY \_\_\_\_\_ DEPUTY  
HENNEPIN COUNTY DISTRICT  
COURT ADMINISTRATOR

Truancy Referrals and Educational Neglect Reports  
from HENNEPIN COUNTY SCHOOL DISTRICTS

**ORDER**

TO: The Superintendents of Hennepin County Public School Districts No. 1, 11, 270, 271, 272, 273, 276, 277, 278, 279, 280, 281, 282, 283, 284, 286 and 287 and such private and charter schools in Hennepin County as may make truancy referrals and educational neglect reports:

**WHEREAS**, the Hennepin County Juvenile Court is in need of specific data to effectively handle each truancy or educational neglect case referred to the Court in an expeditious and efficient matter; and

**WHEREAS**, the specific data necessary to handle truancy or educational neglect cases may be classified by educational agencies as private educational data pursuant to Minnesota Statutes § 13.32(a) (2000 & Supp. 2002) and 20 U.S.C. § 1232g(b)(1) (2000), and which may not be released by educational agencies absent consent or court order or other statutory authority; and

**WHEREAS**, 34 C.F.R. § 99.31(a)(9)(i)(2000) provides that an educational agency or school is not required to obtain prior consent to disclose personally identifiable information from education records where “[T]he disclosure is to comply with the judicial order or lawfully issued subpoena”; and

**WHEREAS**, the Family Educational Rights and Privacy Act, 20 U.S.C § 1232g(b)(2)(B) (2000) and the Minnesota Government Data Practices Act, Minn. Stat. §13.32, subd. 3(b) and subd. 8(e) (2000 & Supp. 2002) permit schools to release personally identifiable information

from education records in compliance with a court order (without jeopardizing federal funding) as long as the agency or school has notified the parent and students of the order or subpoena in advance; and

**WHEREAS**, Minnesota Statutes §§ 260C.001, subd. 2, 260C.193, subd. 3 and 260C.201, subd. 2 (2000) require the Court to make paramount the consideration of the health, safety and best interests of the child, and to determine a disposition which is in the best interests of the child in a truancy or educational neglect matter; and said statutes impose a legal standard upon all parties to the proceedings, and their agents, to address the best interests of the child in handling a truancy or educational neglect matter; and

**WHEREAS**, the specific data requested of an educational agency or school in a truancy or educational neglect matter is necessary to serve the health, safety and best interests of the child and to create appropriate dispositions for the child; and

**WHEREAS**, the Indian Child Welfare Act, 25 U.S.C. § 1912(a) (2000) and the Minnesota Indian Family Preservation Act, Minnesota Statutes §§ 260.751-260.835 (2000) require notice to the tribe/band of a child protection proceeding which could result in an out-of-home placement; and

**WHEREAS**, the efficient and effective administration of juvenile justice as it pertains to truancy and educational neglect matters in Hennepin County requires the sharing, between the Hennepin County Attorney's Office and/or the Hennepin County Children, Family and Adult Services Department and/or the Hennepin County Juvenile Probation Department, of personally identifiable information from educational agency records about a child's affiliation with or membership in a specific Native American tribe/band so as to comply with federal and state Indian Child Welfare laws; and

**WHEREAS**, the efficient and effective administration of juvenile justice as it pertains to matters of truancy and educational neglect in Hennepin County further requires that certain educational data and records be transmitted to the Hennepin County Attorney's Office and/or to the Hennepin County Children, Family and Adult Services Department and/or to the Hennepin County Juvenile Probation Department; and that the data proposed to be shared concerns juveniles and the juvenile protection and juvenile justice systems' ability to effectively serve the best interests of juveniles prior to and after adjudication, including but not limited to, the determination of informed and accurate assessments, disposition and treatment decisions and culturally appropriate outcomes; and

**WHEREAS**, on referral from the Hennepin County Attorney's Office, other community agencies and professionals provide truancy diversion services to families as an alternative to proceedings in Court; and on referral from Hennepin County Juvenile Probation or Children, Family and Adult Services Departments, community agencies and professionals provide post-adjudication supervision, treatment and program services following truancy and educational neglect proceedings in Court;

**IT IS HEREBY ORDERED:**

1. The above-enumerated Hennepin County Public School Districts and private and charter schools within the County ("the Schools") shall include a fully completed Truancy Referral Form with each referral for truancy made to the Hennepin County Attorney's Office, including but not limited to, any and all background information, tribal information, documents or student records required to be submitted with the Truancy Referral Form; and a fully completed Educational Neglect Reporting Form, including any and all background information, tribal

information, documents or student records required to be submitted with the Educational Neglect Reporting Form, when making reports of educational neglect to the Hennepin County Children, Family and Adult Services Department. The Schools shall have a continuing obligation to update information contained in a Truancy Referral Form or Educational Neglect Referral Form upon request of the Hennepin County Attorney's Office, the Hennepin County Children, Family and Adult Services Department or Hennepin County Juvenile Probation, including any and all documents or student records relevant to the merits of the truancy or educational neglect proceedings and the appropriate dispositions. In addition, employees or agents of the Schools shall provide all information requested by the Hennepin County Attorney's Office, the Hennepin County Children, Family and Adult Services Department or Hennepin County Juvenile Probation, whether oral or written, either prior to or after adjudication, in all hearings arising out of a Truancy Referral or Educational Neglect Referral. The Schools shall also include information from a School Attendance Review Board (SARB) or its equivalent as part of the documentation of a school's early intervention efforts in cases of truancy or educational neglect.


2. Diversion providers, community agencies, and medical and mental health professionals ("Providers") may receive Truancy Referral Forms and Educational Neglect Reporting Forms and supporting documents and information from the Hennepin County Attorney's Office when a referral to Providers is made in lieu of

Court proceedings, or when supervision, treatment and program services are ordered after Court proceedings under supervision by either the Hennepin County Children, Family and Adult Services Department or Juvenile Probation.

3. The educational data and information which is the subject of this Order shall maintain the same confidentiality protections and safeguards in the hands of the agencies and professionals authorized to receive it pursuant to this Order as the data had in the hands of the Schools.
4. The sharing of information contemplated by this Order may be accomplished via any means necessary, including but not limited to, electronic mail, facsimile, telephones, regular mail or personal delivery.

BY THE COURT:

Dated: 11/3/02

  
Judge's Name Denise O'Leary  
Judge of District Court  
Juvenile Division

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