



Collecting Data and Sharing Information

to Improve School-Justice Partnerships

Andrew Wachter, MS
Hunter Hurst IV, MS
Teri Deal, M.Ed.
Douglas Thomas, MS, MPA





The National Council of Juvenile and Family Court Judges® (NCJFCJ) provides cutting-edge training, wide-ranging technical assistance, and research to help the nation’s courts, judges, and staff in their important work. Since its founding in 1937 by a group of judges dedicated to improving the effectiveness of the nation’s juvenile courts, the NCJFCJ has pursued a mission to improve courts and systems practice and raise awareness of the core issues that touch the lives of many of our nation’s children and families.

For more information about the NCJFCJ or this document, please contact:

National Council of Juvenile and Family Court Judges
P.O. Box 8970
Reno, Nevada 89507
www.ncjfcj.org

©2017, National Council of Juvenile and Family Court Judges. All rights reserved.

Acknowledgments: Funding for this evaluation and report was provided by the U.S. Department of Justice Office of Juvenile Justice and Delinquency Prevention through Award #2014-JZ-FX-K006 to the National Council of Juvenile and Family Court Judges. Points of view or opinions expressed are those of the report contributors and do not necessarily represent the official position or policies of the funder or the National Council of Juvenile and Family Court Judges.

Special acknowledgment: Logan Yelderman, Ph.D. for editing and proofreading assistance.

Suggested Citation: Wachter, A., Hurst, H., Deal, T., & Thomas, D. (2017). *Collecting Data and Sharing Information to Improve School-Justice Partnerships*. National Council of Juvenile and Family Court Judges.



Collecting Data and Sharing Information

to Improve School-Justice Partnerships

Andrew Wachter, MS
Hunter Hurst IV, MS
Teri Deal, M.Ed.
Douglas Thomas, MS, MPA



INTRODUCTION

Since the implementation of zero tolerance policies in schools in the late 1980s and early 1990s, the rates of suspensions, expulsions, and referrals to the juvenile justice system have increased dramatically. Many courts struggle to handle the number of youths referred by schools for truancy or behavioral incidents, which were situations that were traditionally handled within the education system. Juvenile courts are facing increased numbers of referrals from schools, placing many students at a greater risk of being unnecessarily pulled into the juvenile justice system (Marsh, 2014).

The National Council of Juvenile and Family Court Judges (NCJFCJ) is at the forefront of a collaborative initiative to reduce the number of referrals to the juvenile justice system for school-based behaviors through the establishment of judicially-led School-Justice Partnerships. These partnerships seek to enhance collaboration and coordination among schools, mental and behavioral health professionals, law enforcement, and juvenile justice officials to help students succeed in school and prevent negative outcomes for youths and communities. The NCJFCJ and project partners have provided training and technical assistance to support local collaborative efforts to reduce the number of school-based arrests and referrals to juvenile court. Judicially-led School-Justice Partnerships on judicial leadership convene local system partners—juvenile court, education, law enforcement, community mental and behavioral health providers, youths and families, and the community-at-large—to identify areas for improvement and effective solutions required to reduce the rate of school-based arrests and referrals to juvenile court.

An important and consistent lesson learned from demonstration sites across the country is that valid and reliable process and outcome data, though considered extremely valuable, are not routinely collected or shared across key agencies within the partnerships. Many jurisdictions were unable to answer even basic questions about the youths involved in school-based delinquency—such as: *How many youths committed a school-based delinquent*

act? and *What are the youths' demographics and offense types?* Even fewer jurisdictions could report how many youths were diverted, to which service they were diverted, or the outcomes of diversions, court referrals, and services provided (National Council of Juvenile and Family Court Judges, 2015). This technical assistance bulletin explores the central data needs for School-Justice Partnerships and issues related to sharing information across agencies.

Accurate and complete data provide School-Justice Partnerships with a foundation to target their efforts, monitor implementation, and measure outcomes effectively. Poor data collection and management strategies can lead to inaccurate or incomplete data. Poor data strategies can waste time, result in misinformed conclusions, and be counterproductive to the work of the School-Justice Partnerships. In particular, this technical assistance bulletin provides guidance around what information to collect and how to use it to promote effective School-Justice Partnerships.

SCHOOL-JUSTICE PARTNERSHIPS USE OF DATA

School-Justice Partnerships have taken various approaches to reducing the number of referrals from schools to juvenile courts. Although these approaches have the same basic goal of keeping students in school and out of juvenile court, they differ in terms of which youths are eligible and who makes the decision how to respond to the youths' behavior. Some have focused on prevention, identifying at-risk youths early and providing them with needed support services. Others have engaged in diversion efforts, giving youths who have committed minor school-based offenses the opportunity to avoid juvenile court involvement. Diversion can occur at the time of offense (by school officials or law enforcement) or at intake (by the juvenile court).

Regardless of strategy or approach, it is imperative that school-justice partnerships collect and use data. Personally identifiable data are crucial for case planning purposes, specifically to understand better the needs and experiences of youths involved in the system. Equally important, but often overlooked, is the practice of collecting and aggregating data for performance measurement or program evaluation. This type of information allows members of School-Justice Partnerships to gauge performance and determine if they are producing the intended outcomes.

School-Justice Partnerships choose different strategies based on the specific needs of their jurisdictions; therefore, it is not possible (or practical) to identify an exhaustive set of data elements applicable to all jurisdictions. However, there are core data elements (Table A) that are necessary to collect in order to answer important questions about School-Justice Partnerships, such as:

- How many students are referred to juvenile court (per year or month)?
- What are the characteristics of those students regarding age, grade, sex, race and ethnicity, school status, and court status?

- Why are students referred to juvenile court (e.g., policies, behavior in school, delinquent behavior in school and on school grounds)?
- Who refers students to juvenile court: teachers, administrators, school resource officers, or police?
- What happens to students who are referred to juvenile court: no action, diverted to community services, petitioned, handled informally, dismissed at intake, referred to court for adjudication, probation, or placement?
- How do School-Justice Partnerships affect issues such as school attendance, truancy, academic success, behavior in school, referrals to juvenile court, dispositions, and juvenile court outcomes?

TABLE A: Suggested Data Elements and Definitions	
Data Elements	Data Definitions
1. Unique Identifier	An alphanumeric code assigned to youths so that each youth has one identifier and each identifier is assigned to only one youth. The School District or the juvenile court may already have a unique ID for each youth.
2. Gender	The gender of the youth as recorded by the school district or juvenile court. (Be sure to specify whether gender is biological sex or gender identity.)
3. Race/ethnicity	The race/ethnicity of the youth as recorded by school or juvenile court. Common race categories include Black, White, Asian, American Indian, and Alaskan Native while ethnicity is often recorded separately as Hispanic/Non-Hispanic.
4. Date of Birth	The youth's date of birth as recorded by the school district or juvenile court.
5. School District	Name of school district where the youth currently attends school.
6. Name of School	Name of school where the youth currently attends.

TABLE A: Suggested Data Elements and Definitions

Data Elements	Data Definitions
7. Special Education Status	Indicates whether a youth currently has an Individual Education Plan (IEP) or 504 plan.
8. Grade Level	The youth's current academic grade level. If this data comes from juvenile court records, it may need to be updated.
9. Attendance	The number of absences a youth has in the current school year. Depending on school policies, this may be counted as days absent or periods absent.
10. Academic Performance	A measure of how a youth is progressing in school. This could be the current grade point average (GPA) as provided by school district, the number of courses that the youth is passing or failing, or the grades in core subjects depending on what information is available to the School-Justice Partnership. Be sure to keep this consistent for all youths and from year to year.
11. Suspension Date/ Reason	The dates and reasons for the youth's suspension(s) in the current school year.
12. Expulsion Date/ Reason	The dates and reasons for the youth's expulsion(s).
13. Readmitted to School	The date the youth returns to school from suspension or expulsion.
14. Behavior (School)	Behavior in school can be measured in various ways including the number of discipline reports, teacher ratings of behavior, or the number of detentions or in-school suspensions. Be sure to keep this consistent for all youths and from year to year.
15. Behavior (Offense)	The delinquent behavior that resulted in the school-based referral/arrest.
16. Date of School-Based Arrest	The date the youth was arrested at school.

TABLE A: Suggested Data Elements and Definitions

Data Elements	Data Definitions
17. Date of Referral	The date the youth was referred to the processes led by the School-Justice Partnership. This can be the date a youth is referred to a prevention program (e.g., Early Warning System) or the date a youth is referred to a diversion program, depending on the strategy employed by the School-Justice Partnership.
18. Referred to Court	The date the youth was referred to juvenile court (if applicable).
19. Court Referral Source	The role or title of the person who referred the youth to the juvenile court, usually law enforcement, school resource officer, or principal.
20. Service Referral Date	The date when the youth was referred to receive services or programs. A separate date should be tracked for each service referral.
21. Service Type	For each referral, this may be the type of service or program (e.g., group counseling, mental health assessment, or substance abuse treatment) or the specific curriculum referred to (e.g., Aggression Replacement Training or Thinking for a Change).
22. Services Started	The date the youth started to receive the services or program the youth was referred to.
23. Services Completed	The date the youth completed or is no longer involved in the services or program the youth was referred to.
24. Services Completion Status	The reason why a youth is no longer involved in services or programming (e.g., successful completion, non-compliance, moved from the area, etc.)

TABLE A: Suggested Data Elements and Definitions	
Data Elements	Data Definitions
25. Number of Prior Court Referrals	The number of times the youth was previously referred to juvenile court as indicated by the juvenile court record at the time of that particular offense.
26. Screening and Assessment Results	The risk level and/or individual needs score indicated by the screening or assessment tool(s) administered.
27. Juvenile Court Disposition	The disposition ordered in juvenile court if the school-based arrest goes to court processing,
28. Supervision Status	The dynamic status of the youth’s supervision plan (e.g., active, compliant, noncompliant) if the school-based arrest results in informal or formal supervision.
29. Case Closing Date	The date the juvenile court case was closed if the school-based arrest is referred to court.

While these core data elements are necessary to answer important questions regarding the functioning of School-Justice Partnerships, they can be difficult for jurisdictions to collect as the data elements are often collected by different agencies within the partnership. It is easy to overlook the broad network of decisions and decision-makers along the way from school to juvenile court. Educators, school resource officers, law enforcement, mental health professionals, and juvenile court staff are all responsible for making decisions that impact whether or not a youth will enter the juvenile justice system. These professionals collect valuable information not only in databases, but also in paper records. This information can be complicated by the independent and discrete policies and practices of the schools and law enforcement agencies. Therefore, it is important for agencies within a School-Justice Partnership to learn who collects the core data elements and to identify gaps in data collection. The following seven steps will help School-Justice Partnerships plan for data collection and assess performance and progress.



SEVEN STEPS TO DATA PLANNING FOR SCHOOL-JUSTICE PARTNERSHIPS

STEP 1: DEVELOP MEETING AGENDAS FOR DATA PLANNING

The first step to develop a coordinated plan for data collection and analysis is to set specific meeting times to discuss existing data sources, data needs, and strategies for information usage. A data-focused meeting can take place as a regularly scheduled School-Justice Partnership meeting or as a separate meeting. To stay on track, meeting agendas should focus on data-specific topics such as what data are needed, where it is located, who is responsible for collecting it, and how it can be shared. Once data are collected, these meetings should include time to review and discuss the data and analyses. If guidance is needed, the School-Justice Collaborative can seek the assistance of a consultant or technical assistance provider. Many jurisdictions partner with local universities for assistance with data collection, analysis, and reporting.

School-Justice Partnerships can benefit from identifying at least one “data champion” -- someone with skills and experiences related to data systems, analysis, or program evaluation. The data champion may be familiar with entering data, responsible for managing a data system, or develop reports for the school or court. There might be multiple data champions, such as a truancy officer from the school who is knowledgeable about the data system, the juvenile court intake supervisor, or potentially a law enforcement officer with specialized school or juvenile justice assignments. The data champions might not already be involved in the School-Justice Partnership, but they can play an important role in data planning meetings and in other strategic planning efforts.

STEP 2: DEVELOP A DATA SHARING VISION

With input from the data champions, the School-Justice Partnership should develop a mutually agreed upon vision for how data and information will be shared and used to inform decisions. This vision requires that the partnership has first clearly articulated its purpose, goals, and objectives and clarified the roles, responsibilities, and expectations of all the partners. Once a consensus is

reached, the partners should discuss the anticipated uses of data. Will data be needed to make decisions about individual youth? How often will performance measures be shared between partners during School-Justice Partnership meetings? Will any reports be public? The Partnership should document these decisions before data are collected and analyzed so that all partners have agreed on a vision for how data will be used and information shared.

Trust between partners is critical for sharing existing data and committing to collect necessary data that might be currently unavailable (this bulletin later discusses how to overcome challenges that can arise when attempting to share data between agencies). While developing the data sharing vision, partners should become knowledgeable about their own agency's existing data sharing procedures, policies, and capabilities. Partners should know how to initiate the process, the approximate timeframe, and data requirements. This will help facilitate the process once primary data elements have been defined.

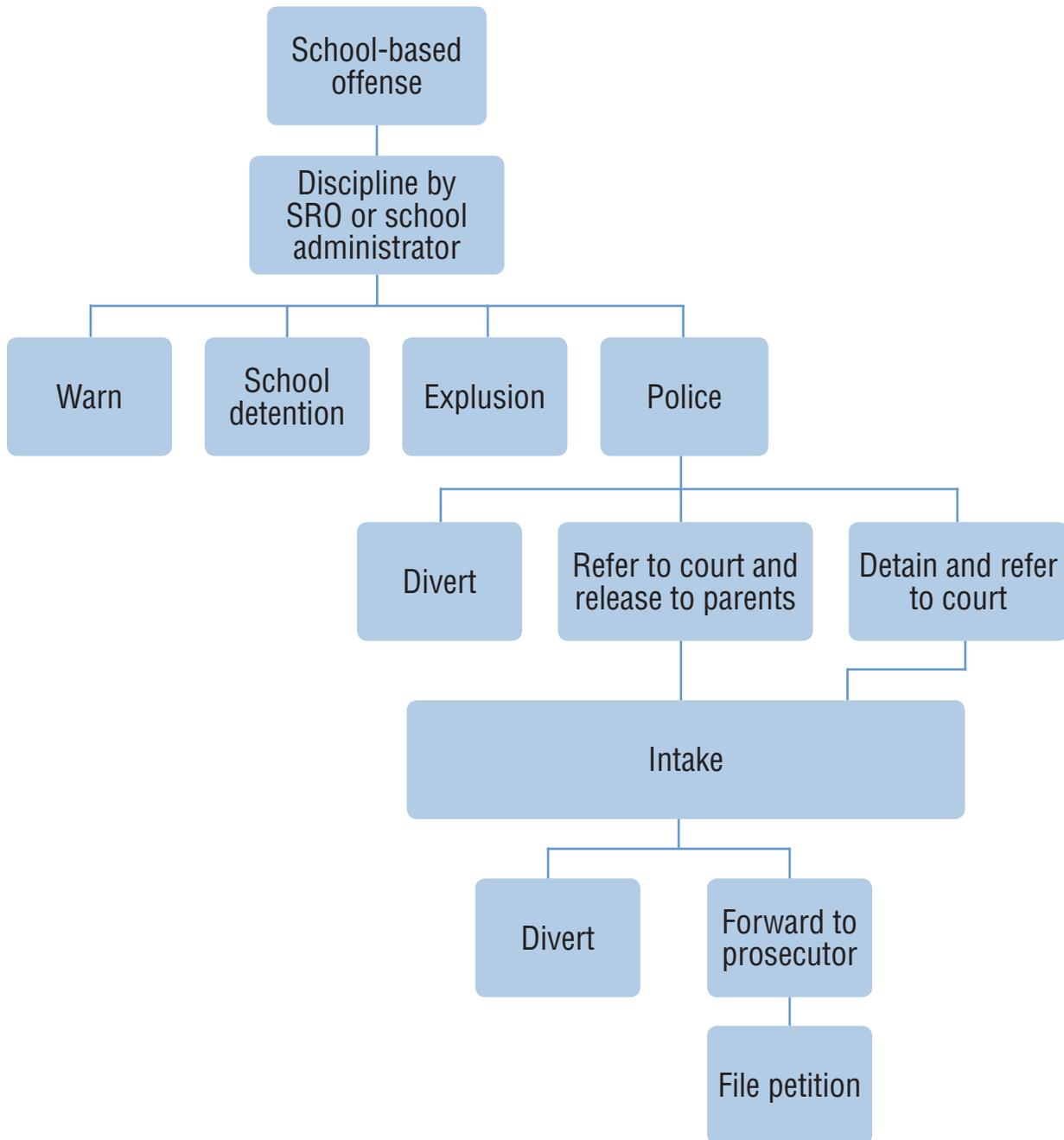
STEP 3: MAP THE SCHOOL-JUSTICE PARTNERSHIP CASE FLOW

The pathway from school to the juvenile justice system can be complicated and nuanced. Case flow charts or decision trees (Figure 1) are useful tools for documenting and clarifying those processes. To make a case flow chart, members of the School-Justice Partnership “walk through” the process of a student being referred from school to court, documenting key decision points (e.g., early identification, referral to services, arrest) and possible outcomes along the way. The case flow chart can start from the point that a delinquent act takes place in school or even earlier if there are processes in place for identifying youths before they become court involved (e.g., Student Assistance Programs or Early Warning Systems).

School-Justice Partnerships are unique in that they reflect the local values, goals, expectations, and resources of multiple agencies. A case flow chart provides a roadmap for decision-making, individual and organizational accountability, and specific data needs from a behavioral incident at school through court referral and processing. Meetings with leadership and line level staff and the use of outside consultants are often beneficial. Input from school personnel (e.g., teachers, School Resource Officers, administrators who are responsible for discipline) and court professionals (e.g., intake staff and prosecutors) are crucial to map out the pathway accurately. The resulting case flow chart addresses important relationships and networks and indicates potential data sources.

The case flow chart is a living document that is likely to change due to activities initiated by the School-Justice Partnership. The chart can be edited and adjusted as new strategies are implemented.

FIGURE 1: Sample Case Flow Chart



STEP 4: IDENTIFY DATA SOURCES

The case flow chart not only provides an overview of current pathways from school to court, but it is also the foundation for identifying potential data sources and flagging information gaps – points where data either is not available or is not currently being collected. To get started, School-Justice Partnerships, with input from the data champions, should review each decision point in the case flow chart and: (1) name the agency and individual responsible for making each decision, (2) list what information is needed (whether currently available or not) to make informed decisions, and (3) document the data sources or potential data sources. Note that different school districts within the same county and different schools within the same district may have different responses. Table B is an example of a case flow chart completed by a jurisdiction with multiple school districts.

TABLE B: Case Flow Exercise from School-Justice Partnership Demonstration Site				
	School District 1	School District 2	School District 3	School District 4
In school – Who makes discipline decisions?	SRO & Administrator	SRO & Administrator	SRO –LEA Administrator Diversion Director	Administrator
In school – What are the possible responses?	<ul style="list-style-type: none"> • Phone call/ letter • Contract • Social Worker/ Counselor to assess family issues • Suspension • Expulsion 	Same as District 1	Same as District 1 <ul style="list-style-type: none"> • Diversion (programming, home visits, withholding events, behavior contracts) 	<ul style="list-style-type: none"> • Needs assessed • Behavior contracts • In-school suspension • NO expulsion
In school – What information is needed to make the decision?	<ul style="list-style-type: none"> • Discipline history (paper file) • Current grades and attendance (in student management system - SMS) 	Same as District 1	Same as District 1 <ul style="list-style-type: none"> • Involvement in diversion programming (Diversion Director’s spreadsheet) 	Same as District 1 <ul style="list-style-type: none"> • IEP (paper file) • Prior behavioral interventions (SMS)

TABLE B: Case Flow Exercise from School-Justice Partnership Demonstration Site

	School District 1	School District 2	School District 3	School District 4
In school – What data are collected on school discipline decisions?	<ul style="list-style-type: none"> • Required to report suspensions and expulsions to the state, and collect this information in SMS. • No standard protocol for recording calls to police. 	<ul style="list-style-type: none"> • Required to report suspensions and expulsions to the state, and collect this information in the SMS. • No standard protocol for recording calls to police. 	<ul style="list-style-type: none"> • Required to report suspensions and expulsions to the state and count discipline referrals by hand. Information is not currently maintained in SMS. • No standard protocol for recording calls to police. • Diversion Director collects data on interactions with students and drug tests in a spreadsheet on her computer. 	<ul style="list-style-type: none"> • Required to report suspensions and expulsions to the state and collect this information in the SMS • Tracks calls to police and attempted behavioral interventions in SMS.
For what behaviors/offenses are law enforcement and/or the courts most likely to be involved?	<ul style="list-style-type: none"> • Based on state statutes, so all districts are the same: Drugs, Weapons, Serious Injuries, Truancy (after graduated responses) 			
When law enforcement is called – who makes decision about next step?	<ul style="list-style-type: none"> • Police arrest the youth if called by school and then contact parents. • They have the option to release and file with the court, detain, or divert for minor offenses. 			
When law enforcement is called – what data are collected?	<ul style="list-style-type: none"> • Each police department (there are several!) varies in their protocol for recording arrests, especially those that are diverted. There is little consistency in the information provided on police referrals to court. No one we met with during the site visit saw law enforcement as a source of information. 			

TABLE B: Case Flow Exercise from School-Justice Partnership Demonstration Site

	School District 1	School District 2	School District 3	School District 4
Once referred to Juvenile Court Intake – who makes decision about next step?	<ul style="list-style-type: none"> The intake officer reviews the case and may divert and refer to community services or forward referral to the prosecutor. If cases are diverted, they are not entered into the case management system. All felonies are referred to the prosecutor. Sometimes a structured assessment is used to make the decision, and these assessment scores are entered into a database that is not connected to the case management system. All truancy cases are processed through Truancy Court. Anecdotally, the prosecutors said that they very rarely get a referral that they don't think is appropriate, although they do not track data on their own. 			
What information is collected at Intake?	<ul style="list-style-type: none"> All court staff report that information is collected/maintained in case management system. There is no in-house ability to pull extracts or reports. The information system is difficult to alter, but the intake officer is accustomed to collecting information in ad hoc spreadsheets. 			

Once the School-Justice Partnership has identified potential data sources, it will be useful to view data system screens, either by connecting directly to the system or reviewing screen shots of data entry screens or reports. This practice helps to familiarize the Partnership with the various data systems and to begin to understand what information is available. Be aware, however, that automation does not always guarantee that data are accessible. Public agencies, like schools and courts, frequently lack the technology and the staff skill sets required to extract data from systems – especially data systems originally intended to support daily operations or manage cases rather than research and planning issues. This is where the expertise of the data champions is especially useful.

Data champions will be able to provide guidance on how easily information can be extracted from the system for sharing or reporting purposes. When information gaps are identified, data champions can help by formalizing existing data collection procedures, creating new forms or reports, or automating the data collection process.



STEP 5: SELECT PRIMARY MEASURES AND DATA ELEMENTS

A milestone in data planning is selecting the primary data elements that will be collected and the measures that will be reported. Data elements are pieces of information to be collected, like demographics, a date, or attendance. Measures represent how data are used to make information and can be in the form of counts, percentages, or rates. Individual level data (i.e. student-level data) are the most useful because individual level data can be aggregated, but data initially collected in the aggregate cannot be broken down at the individual level. To identify the elements and measures that are most important, partnerships should evaluate both the case flow chart and the strategic plan. It is important to take note of what can be counted to demonstrate that the strategy is being implemented as intended, and consider what evidence will show that the strategy is having the anticipated impact. Not every measure will be feasible at first; therefore, it may be useful for partnerships to prioritize measures based on their value pertaining to the School-Justice Partnership goals, the availability of data, and the capability of the agency.

STEP 6: DOCUMENT DATA COMMITMENTS

Once the data elements and measures have been defined, partnerships need to document them in a plan that also names the agency and the position that is responsible for collecting, analyzing, and reporting each piece of information. The plan should also identify any necessary activities for securing written data sharing agreements. Drafting agreements can take considerable time; however, identifying those activities in an action plan can help partnerships sustain momentum toward securing the agreements.

Agreements to exchange student-level educational data must satisfy the school district's interpretation of the Federal Education Rights and Privacy Act (FERPA), but partnering agencies are often able to exchange aggregate information, such as the number of students who are arrested at school by their alleged offense. Where aggregate data are involved, School-Justice Partnerships often collaborate with external research partners to help overcome trust issues and integrate safeguards for protecting sensitive information. These partnerships also leverage research and planning resources that are sometimes missing among the stakeholders.

STEP 7: SET DATA REPORTING OBJECTIVES

Collecting data and using it is essential to the rational decision making process. The School-Justice Partnership should plan to start by simply reporting descriptive data to quantify the decisions outlined in the case flow chart and establish baselines (data trends prior to implementing an intervention or change). It can be challenging to retrieve information for every step in the case flow chart, particularly in systems with a high volume of events. In this case, the School-Justice Partnership should use discretion to focus available resources on collecting the most valuable data for their goals. Success is not determined by the amount of data collected, but by the return that it yields and the momentum it builds for supporting further progress.

Analyzing the data often comes with challenges of its own. It involves carefully assessing the accuracy and completeness of the data, exploring patterns, and drawing conclusions to support decision making. Reporting data allows the School-Justice Partnership to share the progress of the initiative among the partnering agencies as well as with a broader group of interested stakeholders such as families, services providers, community members, and potential funders. Publicly available reports that include key measures can sustain momentum locally and inspire replication in other jurisdictions. It may be useful for School-Justice Partnerships to seek the guidance of a consultant or local university with data analysis experience to help make the most useful information out of the data collected, in addition to how to collect and measure data.

BARRIERS TO SHARING DATA

It is essential for agencies involved in School-Justice Partnerships to share data with each other, however, many jurisdictions struggle to bring together all of the data needed to support program planning, performance measures, and evaluation. When partnering agencies begin to discuss data sharing, it is common that some data are deemed unable to be shared. The barriers to sharing data vary in their levels of complexity and can be categorized as practical, legislative, interpersonal, and organizational.



PRACTICAL BARRIERS. Sometimes the required data simply do not exist because no one is actively collecting it. Also, the data might exist but are not compatible with the recipient's needs. Incompatibility could be due to differing data definitions or data collection methods. For example, data on race and ethnicity are often collected differently across agencies and student attendance might be defined as missed class periods or missed days. Recognizing this and developing strategies to merge data can help overcome these barriers.

LEGISLATIVE BARRIERS. Various federal and state confidentiality laws govern the sharing of many types of juvenile justice information including

juvenile law enforcement records, school records, juvenile court records, child welfare records, and mental health and other treatment related records. For example, student educational data are often withheld from other agencies or service providers under the notion that it is forbidden by FERPA. Similarly, data relating to a youth accessing mental or behavioral health services may not be shared with others due to restraints imposed by the Health Insurance Portability and Accountability Act (HIPPA). These laws exist to ensure client privacy, and, in most cases, these data can be shared if proper protocols are followed.

INTERPERSONAL BARRIERS. Relationships are a driving force for data sharing between agencies, especially in the absence of formal agreements. Agencies that have a history of working together successfully often understand the need to share data and actively work to make it possible. Conversely, agencies that are not accustomed to working together or sharing data may have legitimate concerns that affect how and with whom data might be shared. This is why a shared vision is necessary.

ORGANIZATIONAL BARRIERS. Different or competing missions are likely to hinder data sharing. For example, school administrators might be reluctant to share student behavioral reports with juvenile court personnel if they believe the juvenile court response to the youth will be primarily punitive. Sometimes the barriers to sharing information have to do with a lack of familiarity with other agencies. New or emerging interagency relationships with no formal data sharing arrangements might be uncomfortable or uncertain about sharing data. Further, data systems are usually built to serve an agency or organization for its own purpose. Very often the data processed by these systems are considered to be the exclusive property of these agencies and are stored for agency use only, with little foresight on accessibility or application by others. Inter-agency communication is critical to remedy issues associated with organizational barriers.

SOLUTIONS TO DATA SHARING BARRIERS

There are many strategies for overcoming these barriers. Some solutions are quite simple (e.g., a conversation between colleagues to express their specific data needs) while others are more complicated and require multiple interagency agreements or technological resolutions.

KNOW THE LAW. First and foremost, it is important to understand the legal and regulatory constraints on information sharing in your state. The fact is that there are “few if any absolute legal barriers to information sharing” (Griffin, 2000). Laws restricting access to or dissemination of information and records pertaining to juveniles tend to make exceptions for disclosures made (1) with the juvenile’s (or in some cases the juvenile’s family’s) informed consent, or (2) pursuant to a court order. In addition, many confidentiality laws specifically authorize juvenile justice agency participation in formal interagency information sharing networks (Griffin, 2000).



The most important of the federal laws bearing on the confidentiality of information and records concerning juveniles are the following:

Freedom of Information Act of 1966 (5 U.S.C. Sec. 552(a) (2); 45 CFR Part 5b) which allows the public the right to request access to records from any federal agency.

Privacy Act of 1974 (5 U.S.C. Sec. 522 (a); 1 CFR Sec. 425.1 et seq.) which attempts to regulate the collection, maintenance, use, and dissemination of personal information by federal executive branch agencies.

In addition to federal laws and regulations, it is important to identify state laws that address educational, child welfare, and juvenile justice information sharing. These might include laws governing access to and dissemination of juvenile law enforcement records, school records, juvenile court records, child welfare agency records, and mental health records (Griffin, 2000). For additional information on confidentiality and information sharing in juvenile justice, see the Office of Juvenile Justice and Delinquency Prevention’s Guidelines for Juvenile Information Sharing and the Models for Change Information Sharing Toolkit.

SEEK LEGAL COUNSEL. When in doubt or when the laws or regulations are not sufficiently clear, the partnerships should consult with the agency’s legal counsel if available. Statutory and regulatory language can be difficult to understand, and there may be a tendency to err on the side of caution. Thus, it is important for partnerships to seek guidance from someone familiar with the agency’s data sharing protocols to determine what types of information are able to be shared or how to go about gaining permission to share data.

ENHANCE COMMUNICATION BETWEEN AGENCIES. It is common for youth-serving agencies to operate in silos, unaware of each other’s roles and responsibilities. Agencies involved in a School-Justice Partnership should make time to communicate each agency’s purpose, goals, roles, responsibilities, and expectations. This can reveal overlapping goals and help build trust between agencies. For example, if school officials and juvenile courts can agree that they share the goal of keeping youths in school and out of juvenile court, they may be more open to sharing data to make better decisions. Trust and communication may also be enhanced informally through participation in multi-disciplinary teams, cross-training events, or co-locating offices.

Youth Corrections Act of 1977 (18 U.S.C. Sec. 5005 et seq.; 28 CFR Sec. 524.20 et seq.) which provides guidance on the expungement of records for youths sentenced as a Youthful Offender.

Family Educational Rights and Privacy Act of 1974 (FERPA) (20 U.S.C. Sec. 1232g; 34 CFR Part 99) which is a federal law that protects the privacy of student education records.

Computer Matching and Privacy Protection Act of 1988 (5 U.S.C. 552a) which regulates the use of computer matching agreements by federal agencies when records in a system of records are matched with other federal, state, or local government records.

ESTABLISH A DATA SHARING AGREEMENT. To document each agency’s commitment to sharing data within School-Justice Partnerships, it is important to create a data sharing agreement. Data sharing agreements articulate what data will be shared between the agencies and how it will be shared, used, and stored. These agreements should include a list of parties to the agreement and statements articulating common goals and reasons for sharing information. These agreements should also indicate activities each party will engage in to promote information sharing, both individually and collectively, including activities such as attending future planning meetings, developing information sharing procedures, and providing staff training on information sharing functions. Administrative provisions such as effective dates of the agreement, procedures for monitoring or modifying the agreement and storing the data securely, and signatures should also be included. Data sharing agreements may be included in the Partnership’s broader Memorandum of Understanding (MOU) which should outline the Partnership’s goals to keep youths in school and out of court. To learn more about developing an MOU, please visit www.ncjfcj.org/developing-memorandum-understanding-mou-your-school-justice-partnership.



Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act (1970) and Drug Abuse and Treatment Act (1972) (42 U.S.C. Sec. 290ee-3; 42 CFR Sec. 2.1 et seq.) which protects the identities of persons in alcohol or drug abuse treatment.

Child Abuse Prevention and Treatment and Adoption Reform Act (1977) (42 U.S.C. Sec. 5106 (a) (b) (4); 45 CFR Sec. 1350.14(j)) which established a national adoption data gathering system.

OBTAIN A RELEASE OF INFORMATION. Most identifiable information restricted by confidentiality laws can be shared with the consent of the youth and/or family. A signed release of information secures consent from relevant parties. Permission may be required from the state or another guardian for youths in foster-care or living with a substitute care giver. Release forms specifically identify which information may be shared (e.g., names, social security, date of birth, and other relevant variables), with which agencies, and for what purposes. These forms should indicate that the information will be used for individual case planning purposes as well as for program performance measurement and evaluation. Some School-Justice Partnership demonstration sites indicated difficulty obtaining signed releases from parents. In these instances, an “opt-out” form can be used, which defaults to allow information sharing unless the youth or parent opts out. It is important to consult with agency counsel or other legal resources when developing or administering a release of information or an opt-out form.

CONCLUSION

Collecting and sharing data across agencies can be difficult, but it is an important and necessary effort to ensure that School-Justice Partnerships succeed. This requires stakeholders to work together to identify data elements and measures that will help determine if the School-Justice Partnership is successful in meeting its goals. Various obstacles to information sharing exist but can be overcome by seeking legal advice, enhancing communication between organizations, and securing data sharing agreements and releases of information wherever possible. While free and unencumbered sharing of personal information across organizational boundaries is not a recommended practice, a clearly articulated process that balances individual privacy concerns with the evaluative needs of the Partnership can help facilitate better outcomes for students, schools, and juvenile courts. The seven-step process described in this bulletin can aid School-Justice Partnerships in collecting and sharing reliable data that ultimately ensures Partnerships meet their goal of keeping youths in school and out of juvenile court.

REFERENCES

- Griffin, P. (2000). *Separate Tables: Interagency Information Sharing in Real Life*. National Center for Juvenile Justice, Pittsburgh. PA.
- Marsh, S.C. (2014). *School Pathways to the Juvenile Justice System: The Context for a Practice Guide for Courts and Schools*. Reno, NV: National Council of Juvenile and Family Court Judges.
- National Council of Juvenile and Family Court Judges. (2015). *Report on the Evaluation of Judicially Led Responses to Eliminate School Pathways to the Juvenile Justice System*. Reno, NV: Author.

NCJFCJ
est. 1937

NATIONAL COUNCIL OF
JUVENILE AND FAMILY COURT JUDGES

www.ncjfcj.org

