

**610.345 School superintendent or principal to be notified when child found guilty or when county attorney makes probable cause determination -- Disclosure of records -- Provision of offense history to school superintendent.**

- (1) When a child is adjudicated guilty of an offense which classifies him or her as a youthful offender, the judge in the court in which the matter was tried shall direct the clerk to notify the superintendent of the public school district in which the child is enrolled or the principal of any private elementary or secondary school which the child attends of the adjudication and the petition and disposition of the case.
- (2) When a child is adjudicated guilty of an offense which would classify him or her as a violent offender under KRS 439.3401, or be a felony under KRS Chapter 218A, 508, 510, or 527 if committed by an adult, but which would not classify him or her as a youthful offender, the judge in the court in which the matter was tried shall direct the clerk to notify the superintendent of the public school district in which the child is enrolled or the principal of any private elementary or secondary school which the child attends of the charge, the adjudication, and the disposition of the case.
- (3) When a court-designated worker receives notice that a county attorney has made a determination pursuant to KRS 635.010(1) that probable cause exists to file a public offense petition alleging that the child committed an offense that, if committed by an adult, would be a:
  - (a) Felony; or
  - (b) Misdemeanor involving:
    1. A controlled substance;
    2. The possession, carrying, or use of a deadly weapon;
    3. Physical injury to another person;
    4. Sexual contact;
    5. Sexual intercourse; or
    6. Deviate sexual intercourse;

the court-designated worker shall notify the superintendent of the public school district in which the child is enrolled or the principal of any private elementary or secondary school which the child attends of the charge. If the complaint is successfully diverted, the court-designated worker shall notify the superintendent or the principal of the successful diversion, and all records of the incident or notification created in the school district or the school under this subsection shall be destroyed and shall not be included in the child's school records.

- (4) When a child is adjudicated guilty of an offense that meets the criteria set forth in subsection (3)(a) or (b) of this section, the judge in the court in which the matter is considered shall direct the clerk to notify the superintendent of the public school district in which the child is enrolled or the principal of any private elementary or secondary school that the child attends of the charge, the adjudication, and the disposition of the case. If the petition is dismissed or informally adjusted, the clerk shall notify the superintendent or the principal of the disposition, and all records of the incident or notification created in the school district or the school under this

subsection shall be destroyed and shall not be included in the child's school records.

- (5) The notifications required in subsections (1) to (4) of this section shall be made within twenty-four (24) hours of the county attorney's determination pursuant to KRS 635.010(1), successful completion of diversion, or entry of the court order. The name of the complainant shall be deleted. The county attorney may, upon request by the school district or the school, provide a statement of the facts in the case, not to include the complainant's name.
- (6) Notice to a district superintendent referenced in subsections (1) to (4) of this section shall be released by the superintendent to the principal of the school in which the child is enrolled. A principal of a public or private school receiving notice shall release the information to employees of the school having responsibility for classroom instruction or counseling of the child and may release it to other school personnel as described in subsection (7) of this section, but the information shall otherwise be confidential and shall not be shared by school personnel with any other person or agency except as may otherwise be required by law. The notification in writing of the nature of the offense committed by the child and any probation requirements shall not become a part of the child's student record.
- (7) Records or information disclosed pursuant to this section shall be limited to records of that student's criminal petition and the disposition thereof covered by this section, shall be subject to the provisions of KRS 610.320 and 610.340, and shall not be disclosed to any other person, including school personnel, except to a district superintendent, public or private elementary and secondary school administrative, transportation, and counseling personnel, and to any teacher or school employee with whom the student may come in contact. This section shall not authorize the disclosure of any other juvenile record or information relating to the child.
- (8) The Department of Juvenile Justice shall provide a child's offense history information pursuant to this section to the superintendent of the local school district in which the child, who is committed to the department, is placed.
- (9) Records or information received by the school pursuant to this section shall:
  - (a) Be kept in a locked file, when not in use, to be opened only on permission of the administrator; and
  - (b) For the purposes of destruction required in this section, not include education records, as defined in KRS 160.700, created by the school.
- (10) A superintendent of a public school district may designate an employee of the school district to receive notices and carry out the superintendent's responsibilities under this section. The superintendent shall provide the clerk and the court-designated worker with notice of any designation and the name and contact information for the superintendent's designee.

**Effective:** July 15, 2024

**History:** Amended 2024 Ky. Acts ch. 51, sec. 1, effective July 15, 2024. -- Amended 2006 Ky. Acts ch. 182, sec. 70, effective July 12, 2006. -- Amended 2004 Ky. Acts ch. 185, sec. 1, effective July 13, 2004. -- Amended 2002 Ky. Acts ch. 257, sec. 19, effective July 15, 2002. -- Amended 1998 Ky. Acts ch. 493, sec. 17, effective July 15, 1998; and ch. 606, sec. 182, effective July 15, 1998. -- Created 1996 Ky. Acts ch. 358, sec. 34, effective July 15, 1996.