

A4 CENTRAL ILLINOIS/STATE Decatur, Illinois • Friday, November 12, 1999

Expert: Privacy law likely not violated

By not naming youths' names, school board apparently stayed within legal limits

By JOHN C. PATTERSON

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SPRINGFIELD — Confidential school records tracking academic performance and attendance of the seven former students kicked out of Decatur schools for fighting at a football game can only be released to the public if their parents agree.

But by providing attendance information to the public as a group — pointing out that some had repeated grades without ever personally identifying the individual students — Decatur school officials appear to have stayed within the boundaries of the law.

"That is the key thing, the personally identifying them," said Gary Kerr, a Springfield lawyer who specializes in school law. Kerr said yesterday that state law prohibits, with specific law prohibits, any release of student information that is personally identifying.

Some of the exceptions include:

- Transferring records to other school officials when a student moves.

- Providing records to police during an investigation.

- If ordered to release information by a judge and parents are not available.

- In case of an emergency and the information will protect the health and safety of others.

Violating this law is a petty offense, carries no jail time and a maximum fine of \$500. However, Kerr said, who violates the law may be liable for damages in civil court, where awards can be dramatically more than the criminal fines.

Indeed, Kerr said, the law is severely limited by state law. The key point of the law is that children are not responsible for their actions and should have the opportunity to be rehabilitated before publicly branding them as criminals.

As a general rule, he said, release information about minors. Dave Sanders, a spokesman for the Illinois State Police, Illinois, minors are children who are age 16 or younger. Other people, including 17, are considered adults.

Crimes for court records, for example, are not available for people age 17 and older. Access to juvenile criminal records is limited to those convicted of the most violent crimes.

Betsy Clarke, juvenile justice counsel for the Cook County Public Defender's Office, said there is "still definitely confidentiality" for juvenile records. By law, the public is entitled to know the name, address and crime committed by children as young as 13 if the crime was murder, attempted murder, rape, or involved gang violence, guns, or repeated drug convictions.

Clarke said the exemptions are very specific. She also noted that there are several crimes, such as murder, for which juveniles automatically will be tried and treated as adults.

The ages vary depending on the crime, Clarke said.

Overall, she said, the confidentiality of juvenile records is



CENTER OF THE SITUATION: Terrence Jarrett, left, Gregory Howell, Courtney Carson, Errol Bond and Shawn Honorable, five of the seven students expelled by the Decatur school board, watch activities at Eisenhower High School from the far side of 16th Street on Monday. The students lost their anonymity on Tuesday when attorneys for the Rainbow/PUSH Coalition filed a lawsuit in U.S. District Court in Urbana.

one of the more respected laws in Illinois. "There are leaks here and there, but I've always been impressed with the juvenile court records and how they have all been protected."

But throughout the nation, laws are being loosened to allow sharing of juvenile court records and greater public access. The National Conference of State Legislators reported in 1995 that 35 states have laws allowing juvenile court records to be shared between law enforcement agencies and schools so administrators know when troubled youths return to school. A Wisconsin provision goes so far as to require schools to notify when a child charged with a crime is found innocent.

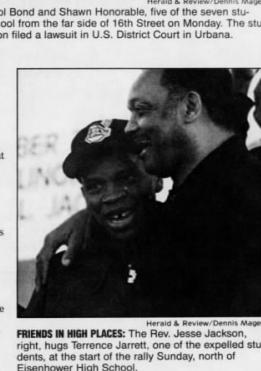
Other examples from the National Conference of State Legislators:

- In Georgia, the public has access to all juvenile hearings when a felony is alleged. All juvenile court records are maintained and can be used by prosecutors for urging stricter criminal sentences in presentment cases.

- Oklahoma does not share the confidentiality of arrest and court records of juveniles arrested for acts that would be considered felonies if they were adults.

- In Utah, court records for children as young as 14 can be released to the public after a juvenile hearing. A court order closes a hearing. Court proceedings involving charges against a child age 14 or older are open to the public.

- West Virginia similarly makes public the identity of juveniles convicted of violent crimes or felonies.



FRIENDS IN HIGH PLACES: The Rev. Jesse Jackson, right, hugs Terrence Jarrett, one of the expelled students, at the start of the rally Sunday, north of Eisenhower High School.

VIDEO: Expert cites studies

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erers were biased against Yale, and the Harvard people saw it the other way," Vitoux said. "These theoretically were very smart people."

Vitoux said studies have shown that actions and symbols that are perceived as non-violent and conforming by some can be interpreted as violent and threatening to others. A study done during the Vietnam War found both African-Americans and whites saw burning a draft card as a violent act. Being frisked by a police officer, however, was viewed as normal by whites and violent by African-Americans.

White law enforcement of police officers outside MacArthur High School on Wednesday made some MacArthur students feel safe, sophomore Sharena Harper said. "I think it's because there aren't any black cops out there."

Lorraine Johnson, a Springfield-based educator, said any time there's an incident like the one in Decatur, where a group of African-American students fight and are beaten by white students, lengthy expulsion by a predominantly white school board, race will play a role in how the event is perceived because of the historical treatment of African-Americans in the United States.

She pointed to the Rodney King case, where a group of white police officers brutally beat King, an African-American, as an example of that.

"When black people saw that tape, they thought King was being abused by police officers," she said. "They saw a continuation of a historical experience of a group of people."

Vitoux said he hopes that society is progressing, albeit slowly, toward a better understanding of another that will lead to perception of the world that are more similar.

"The good news in all this is that all the issues we use and all the stereotypes have been made up by us humans," Vitoux said. "When we decide we want to change them, we can. It can happen in a heartbeat of over a period of years. Think of where women are today relative to 1960."

JACKSON: Says Gov. Ryan 'disappointed' by inaction

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of illegally releasing information on the students' background to the media. He again called for the seven students' cases to be reviewed individually and said he would ask Illinois Attorney General Jim Ryan to look into the matter.

Jackson said McGee was satisfied Wednesday with a meeting with Goetter where he proposed forming a panel of state and local personnel to review the students' readiness to return to normal class. McGee said he was part of that group.

Jackson said he talked with Gov. George H. Ryan Wednesday evening, and Ryan "was a bit disappointed" that McGee had not yet agreed to an continued effort to craft a compromise.

But Goetter said the school board did not expect a list of 10 additional requests the state made to be presented on Wednesday. She said the list was a combination of items Jackson had requested and McGee had suggested.

"I was disappointed when I got the list," Goetter said. "With all the things that have gone on this year, I didn't feel I could call another meeting before the end of the week. I offered to see if we could hold such a meeting early next week. I did not rebuff their request. I intended to share the list with the other board members and have it closed the door."

Today, with a special meeting Monday, a regular meeting Tuesday and activities involving the continued dispute and taking up much of the week, board members and administrators are exhausted. Gov. Ryan is exhausted.

"These are such important decisions, we need to be at our best when we make them," Goetter said. "I will ask the superintendent's secretary to determine what days we could all meet. We need all the board members present for that."

Jackson said the school board should have offered the students an alternative education option before expelling them but did not do so. Both McGee and the



ON THE GO: The Rev. Jesse Jackson addresses members of the media at a news conference on Thursday. Jackson left Decatur Thursday, but said he will return for a rally and march on Sunday.

governor have said the alternative education option is required before the expulsion.

McGee said he wants to meet with the entire Decatur school board because "it would probably help me to understand their perspective." He added, "I hope we could listen to my thoughts."

Goetter said Decatur schools are scheduled to be open Monday. But she said, "The safety of the students is paramount." She said the school board is considering making changes. Schools are closed today for a previously scheduled teacher institute day.

During his news conference Thursday morning, Jackson said he is requesting Illinois Attorney General Jim Ryan to immediately release the names and the source of privileged information about seven expelled Decatur high school students.

Ryan must render judgment on four points: the legality of the expulsions

before an alternative education option was offered; whether there was a lack of due process; whether the Decatur school board violated state law by expelling students for a year in the face of state law requiring children be educated until they are age 18; and whether there were violations of the state privacy act, Jackson said.

Jackson also plans to tell U.S. Attorney General Janet Reno about the case because of what he views as violations of federal privacy laws.

Goetter denied that the board has given out any privileged information.

"We have not given out specific information on students," Goetter said. "As far back as the day the students were expelled, their names were not given out. That was referred to by members. We do that to protect the students."

Goetter said members of the Rainbow/PUSH Coalition have shared the names of the students with the public, as have the students themselves and some of their parents.

But Jackson said the board "demanded" expulsions before releasing the names of the students.

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Jackson accepts those points but wants the two seniors among the group to graduate with their class next spring and to have an earlier review of their records.

He said he will return to the alternative education setting to determine if they can be brought back into regular school.

Jackson revealed his request to Attorney General Ryan before going to the Decatur Airport and boarding a private jet to Washington, D.C., and Cleveland.

He said he would return to Decatur for a 2 p.m. march on Sunday from the Decatur Civic Center to MacArthur High School to protest "Leave No Child Behind."

Arnett said there likely will be school on Monday. But students will once again need IDs to get in, and the same entrance doors will be used. He said if students do not have an ID, they will be open today to get a new one free of charge.

Myron Johnson said that the two black students will enroll in alternative school, and there will be no confrontations and no violence. Once we have peace, then we can focus our energies on the school.

Still, confrontation potentially looms from a third party. Matt Hale, leader of the white supremacist group, The World Church of the Creator, and Lewis Myers Jr., the attorney representing six of the seven black students who were expelled, will be on the show to discuss the case.

Racist literature attributed to the World Church of the Creator was found on some Decatur lawns this week.

Hale said he is from Decatur and John and Jan Rooney contributed to this report.