

STATE OF NORTH DAKOTA

ATTORNEY GENERAL'S OPINION 90-01

Date issued: January 4, 1990

Requested by: Tom P. Slorby, Ward County State's Attorney

- QUESTION PRESENTED -

Whether a school principal's authority to inspect juvenile court files is limited to those matters concerning, and to the extent necessary to enforce, the rules and regulations of the North Dakota High School Activities Association.

- ATTORNEY GENERAL'S OPINION -

It is my opinion that a school principal's authority to inspect juvenile court files is not limited to those matters concerning, and to the extent necessary to enforce, the rules and regulations of the North Dakota High School Activities Association.

- ANALYSIS -

The pertinent portion of N. D. C. C. ' 27-20-51(1) provides:

27-20-51. Inspection of court files and records.

1. Except as provided in subsection 2, all files and records of the court in a proceeding under this chapter may not be disclosed to the public and are open to inspection only by:

. . . . .

- e. With leave of court any other person or agency or institution having a legitimate interest in the proceeding or in the work of the court.

- f. Upon leave of the court, the principal of any public or private school which is a member of the North Dakota high school activities association, or the superintendent of any school district which has one or more schools involved in the association, but only to the extent necessary to enforce the rules and regulations of the North Dakota high school activities association.

The Legislature added subsection f to the statute in 1979. The addition of subsection f to N. D. C. C. ' 27-20-51 creates a question as to the interpretation of subsections e and f. Subsection f applies to school principals and superintendents who are members of the North Dakota High School Activities Association. Subsection e applies to any other person who has a legitimate interest in the proceedings of the court. The statute is ambiguous because it is not clear whether subsections e and f are to be construed in a cumulative manner. If subsections e and f are construed exclusively, a principal or superintendent who is a member of the North Dakota High School Activities Association would be restricted to obtaining information under subsection f. However, if subsections e and f are construed cumulatively, a principal or superintendent of the North Dakota High School Activities Association could rely on both subsections e and f to review juvenile records. Because this statute is ambiguous, the legislative history may be considered in determining legislative intent. N. D. C. C. ' 1-02-39(3).

The legislative history reveals that the Legislature added subsection f to N. D. C. C. ' 27-20-51 because of the problem school principals and superintendents had in obtaining juvenile records for purposes of determining eligibility for school activities. Hearings on S. 2394 Before the N. D. Senate Judiciary Comm., 46th Leg. (February 5, 1979) (statement of Senator Farrington). Senator Farrington testified that the state's attorney at Rugby and the Rugby School District had difficulty in obtaining records from a juvenile supervisor. Id. This difficulty led Senator Farrington and other legislators to enact subsection f to make juvenile records more accessible to school principals.

In analyzing subsections e and f, it is also important to consider the presumption that the Legislature intended a just and reasonable result in enacting a statute. N. D. C. C. ' 1-02-38(3). Under subsection f, the principal may seek to inspect records "only to the extent necessary to enforce the rules and regulations of the North Dakota high school activities association." Under subsection e, "any other person" may seek to inspect the records when he or she has "a legitimate interest in the proceeding or in the work of the court."

If subsections e and f are not interpreted as cumulative methods of acquiring information, a principal or superintendent would be unable to obtain information which could be obtained by any other person, unless it was to be used to enforce the rules and regulations of the North Dakota High School Activities Association. This would foil the intent of the Legislature to make the records more accessible. As long as the principal or superintendent has a legitimate interest in the proceedings of the court, it is reasonable that he or she be entitled to the same access to records as "any other person." Therefore, it is my opinion that a school principal's authority to inspect juvenile court files is not limited to those matters and to the extent necessary to enforce the rules and regulations of the North Dakota High School Activities Association. However, a principal who wants to inspect the records of a juvenile under either subsection e or f may do so only if the court

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authorizes the inspection. N. D. C. C. ' 27-20-51(e) - (f).

- EFFECT -

This opinion is issued pursuant to N. D. C. C. ' 54-12-01. It governs the actions of public officials until such time as the question presented is decided by the courts.

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