

SPECIAL EDUCATION PROCEDURE	
District Name	Warren Woods Public Schools
Subject/Topic of This Procedure	Referrals to Law Enforcement
Data Procedure was Adopted or Revised	06/19/2023

Legal Requirement with Citation	<p>§300.535 of the Individuals with Disabilities Education Act (IDEA) indicates that a district reporting a crime committed by a student with a disability must ensure that copies of the student’s special education and disciplinary records are transmitted for consideration by the appropriate authorities to whom the agency reports the crime. A district reporting a crime under this section of IDEA may transmit copies of the student’s special education and disciplinary records only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act (FERPA).</p> <p>§99.30 of FERPA indicates that the parent or adult student must provide a signed and dated written consent before a district discloses personally identifiable information from the student's education records, except as provided in §99.31. This written consent must:</p> <ul style="list-style-type: none"> • Specify the records that may be disclosed; • State the purpose of the disclosure; and • Identify the party or class of parties to whom the disclosure may be made. <p>“Signed and dated written consent” under FERPA may include a record and signature in electronic form that identifies and authenticates a particular person as the source of the electronic consent, and indicates such person's approval of the information contained in the electronic consent.</p> <p>§99.31 of FERPA indicates that a district may disclose personally identifiable information from a student’s education record without the consent of the parent or adult student only if the disclosure meets one or more of the following conditions:</p>
--	---

- The disclosure is to other school officials, including teachers, within the district whom the district has determined to have legitimate educational interests.
- The disclosure is to officials of another school, school system, or institution of postsecondary education where the student seeks or intends to enroll, or where the student is already enrolled, so long as the disclosure is for purposes related to the student's enrollment or transfer.
- The disclosure is in connection with financial aid for which the student has applied or which the student has received, if the information is necessary for such purposes.
- The disclosure is to State and local officials or authorities to whom this information is specifically allowed to be reported or disclosed pursuant to State statute adopted before November 19, 1974.
- The disclosure is to organizations conducting studies for, or on behalf of, educational agencies or institutions.
- The disclosure is to accrediting organizations to carry out their accrediting functions.
- The disclosure is to parents, as defined in §99.3, of a dependent student, as defined in section 152 of the Internal Revenue Code of 1986.
- The disclosure is to comply with a judicial order or lawfully issued subpoena.
- The disclosure is in connection with a health or safety emergency, under the conditions described in §99.36.
- The disclosure is information the district has designated as "directory information".
- The disclosure is to the parent of a student who is not an eligible student or to the student.
- The disclosure, subject to the requirements in §99.39, is to a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense. The disclosure may only include the final results of the disciplinary proceeding conducted by the district with respect to that alleged crime or offense.
- The disclosure concerns sex offenders and other individuals required to register under section 170101 of the Violent Crime Control and Law Enforcement Act of 1994, 42 U.S.C. 14071, and the information was provided to the district under 42 U.S.C. 14071 and applicable Federal guidelines.

<p>Under what circumstances will this procedure be used?</p>	<p>School district officials will use this procedure whenever the school district reports to law enforcement (police, sheriff, etc.) that a student with an IEP has committed a crime.</p> <p><i>NOTE: Law enforcement records created by a school resource officer are not educational records subject to FERPA.</i></p>
<p>Who will implement this procedure?</p>	<p>This procedure will be implemented by the school district official(s) who make the referral to law enforcement, in cooperation with the district special education administrator.</p>
<p>Describe the steps in this procedure.</p>	<ol style="list-style-type: none"> 1. If there is a suspicion or a report that a crime has been committed by a student with an IEP, the individual suspecting/reporting the crime immediately contacts SE administrator. 2. The referring individual and the special education administrator jointly determine whether it is reasonable to believe that a crime has been committed and whether the crime has been or will be reported to law enforcement. 3. If the crime has been or will be reported to law enforcement, FERPA-protected records and information in them may be disclosed in connection with a health or safety emergency. This type of emergency pertains to a specific and articulable threat such as a campus threat. Information may be communicated in such circumstances to law enforcement if knowledge of the information is necessary to protect the health or safety of the student or other individuals. <p>Although the U.S. Department of Education will not substitute its judgement for that of the educational agency or institution when there is a rational basis for a determination that a health or safety emergency existed, this exception applies during the health or safety emergency and only allows the sharing of those records necessary to address the emergency.</p> <p>When a school or district makes a disclosure under the health or safety exception, it must record in the student's education records the articulable and significant threat that formed the basis for the disclosure, and the parties to whom the information was disclosed.</p>

	<p>4. Upon reaching a decision to release records, the district immediately contacts the parent/guardian (or adult student) and attempts to obtain written consent to release the student’s records to law enforcement.</p> <p>The person responsible for contacting the parent/guardian (or adult student) is the: Special education administrator.</p> <p>5. If the parent/guardian (or adult student provides written consent to release the records, the specified records are sent within 3 school days of receipt of that consent to the appropriate law enforcement agency.</p> <p>The person responsible for sending the records to law enforcement is the : Special education administrator.</p> <p>6. Upon the request of the parent/guardian (or adult student) a copy of the records that were released to law enforcement also will be sent to the parent/guardian (or adult student.)</p>
What forms are necessary to implement this procedure?	<ul style="list-style-type: none"> • Student’s educational records
How, when and by whom will this procedure be consistently documented?	<p>This procedure will be documented by the: Special education administrator.</p>
How, when and by whom will this procedure be routinely supervised?	<p>This procedure will be supervised via a monthly review of disciplinary activities and referrals to law enforcement. By the: Special education administrator.</p>
How, when and by whom will changes to this procedure be communicated?	<p>The person responsible for communicating changes to this procedure is the: Special education administrator.</p> <p>Changes will be communicated via: Information shared at an administrative or staff meeting.</p>