

70TH ANNUAL ISBA/IAPSS FALL CONFERENCE



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ISBA/IAPSS Fall Conference

Check out page 4 of this e-Dition for information about the 2019 Fall Conference agenda, notable items and more! And don't forget to register!

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FAST FACTS ON INDIANA K-12 EDUCATION

School Choice/Transfer: While Indiana has been a leader in promoting school choice, families are more likely to choose traditional public school for their children. In fact, **over 44% of all transfers** are into traditional public schools and charter (31%) and private schools (25%) are falling further behind. Parents recognize the history of academic excellence present in traditional public schools.

ISBA IN THE NEWS

[Economist: 'Wild Card' Environment For School Referendum](#)

[2020 Census: Undercounting Kids Could Limit Indiana's Federal School Funding](#)

[How Much Did MCS Have To Pay For Its New CEO?](#)

[The Importance of the 2020 Census Count](#)

Disclosure of Information Concerning Threats to School Safety

by Julie M. Slavens, ISBA Staff Attorney (jslavens@isba-ind.org)

The 2019 Indiana General Assembly passed a law amending the disclosure of public records law and adding a new law addressing the disclosure and exchange of information by law enforcement and school corporations in relation to the safety and security of a student or a school facility or in cases of health or safety emergencies. The law is House Enrolled Act 1398 and was effective July 1, 2019.

IC 5-14-3-4 regulates what documents a school corporation may not disclose. The law contains two lists – a confidential list which contains the public records that cannot be disclosed and a discretionary list which contains the public records that may be disclosed at the discretion of the school corporation. The Act amended the discretionary list to allow a law enforcement agency to disclose to a school corporation its investigatory records for the sole purpose of enhancing the safety or security of a student or school facility. It should be noted the investigatory files may be files of persons other than students in the school corporation as the law states the disclosure should be for the safety and security of not only a student (or students) but of a school facility. Law enforcement may have information from one of its investigation of a threat to the school made by someone other than a currently enrolled student such as an adult within the community or outside the local community, a former student, or a parent.

For purposes of IC 5-14-3-4, investigatory records of a law enforcement agency does not include a law enforcement recording, which is defined as a recording of law enforcement activity captured by a camera or other device used by law enforcement officers within the scope of their duties and worn by the officers or attached to the officers' vehicles. The recordings would cover such items as body and dash cam videos. Any other information from police investigation files may be shared with the school corporation.

The Act also added IC 20-33-7-4, which allows a school corporation to disclose personally identifiable and other information contained in an educational record to law enforcement officials, child services officials, or medical personnel without the consent of the parent in cases of health and safety emergencies as determined by a superintendent, a principal, an assistant superintendent, or an assistant principal. The law provides for civil immunity for the school corporation under the Indiana Tort Claims Act for a good faith effort to comply with the law. The law requires police officers to provide personally identifiable information from a law enforcement record in cases of a health or safety emergency to the appropriate above-named school officials. The Act also prohibits any information related to suspicious or potential criminal activity of a student exchanged between a school corporation and law enforcement agencies being stored or maintained in any database by either entity.