

IOWA
Department of Education



June 3, 2016 Iowa Department of Education Webinar

Emergency Operations Management “School Resource Officer’s Role in Emergency Management”

Presenters: Mary Gannon, PERB
Chad Bentzinger, Ankeny Safety & Security Manager

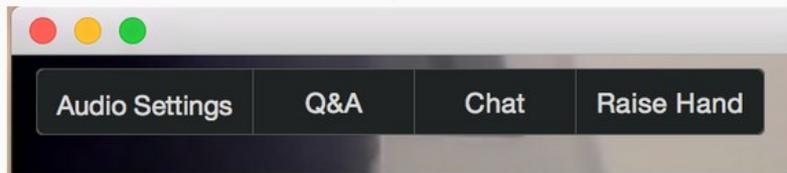
Hosts: Gary Schwartz, Iowa Department of Education
Jane Colacecchi, Emergency Preparedness Consulting



Webinar Reminders

- ▶ Attendees are view-only participants.
- ▶ You will see the active speaker view of the meeting and the screen share of the meeting when the screen is being shared.
- ▶ **Asking Questions:** Q&A is provided via a text chat panel.

As an attendee you will see *Chat* in the top left hand corner of the Webinar



- ▶ In the Q&A, questions can be sent through the text chat panel anonymously or publicly.
- ▶ In the Q&A, attendee can specify that the answer be “Answer Live” or “Answer by Text.”

FERPA for SROS*

Mary Gannon

June 3, 2016

*Family Educational Rights and Privacy
Act for School Resource Officers



FERPA

The Family Educational Rights to Privacy Act (FERPA) is the federal law that governs the privacy of and access to student records at all grade levels in the U.S. – PK-postgrad. Under FERPA a parent has a right to access, seek to amend, and to have some control over the disclosure of personally identifiable information from their child's education records. Student education records cannot be released without the consent of the student parent(s) unless an exception to FERPA applies or a court order is obtained.



Who can see student records without prior parental consent?

- School officials with a **legitimate educational interest**
- Pursuant to a court order
- Pursuant to a directory information policy
- Specific exceptions such as DE, USDE, etc.



Directory Information

Directory information may be disclosed if the parent has consented to release of directory information. Directory information is that basic information about a student such as name, grade level, honors and awards, etc. However, if a parent has opted out of directory information being shared then it may not be shared without an exception or a court order.



What is an educational record?

Educational records are records that are

- directly related to a student
- stored in any medium
- maintained by an educational agency or institution or a party acting for or on behalf of the agency or institution; e.g. AEA, school attorney



Who is a school official

- School employees
- Other individuals where the school would otherwise use employees and is under the direct control of the agency such as consultants, social workers, etc.
- Board members

Are police officers and SROs considered school officials?

Yes, if he or she

- Performs a service where employees would otherwise be used
- Is under the direct control of the school regarding records
- Is subject to the requirements of FERPA regarding use of education records
- Complies with notification rights

Therefore,

- Local police officers acting as school officials can only use the information for the purposes for which disclosure was made - to promote school safety and physical security of the students
- Officers are subject to redisclosure requirements and can only redisclose to other school officials or pursuant to another exception



Are SROs or other members of a school's LEU automatically school officials?

Yes if,

- Perform a service where employees would otherwise be used
- Is under direct control of the school regarding records
- Is subject to the requirements of FERPA regarding use of education records
- Complies with notification rights

Can we ever talk to law enforcement?

Yes, in certain circumstances. FERPA allows schools to release confidential student information governmental agencies to

- Meet the goal of reducing juvenile crime
- State and local juvenile justice agencies – must be public bodies, not non-profits – police, DHS, county attorney, etc.
- Allow the juvenile justice system to effectively serve, **prior to adjudication**, the student whose records are being released

However, the information

- Is not admissible in any court proceedings which take place prior to a disposition hearing
- Cannot be used as the basis for a school disciplinary action against a student
- Must be used to determine the appropriate services needed to design a program to correct behaviors that lead to truancy, suspension, and expulsions
- Must be used to support students in successfully completing their education

Id.

Components of the Juvenile Justice Sharing Agreement

- 28E Agreement between school district or nonpublic school and all interested parties – remember, public bodies not non-profits for example police, juvenile court, county attorney
- Adopted by the school district's board of directors
- Agreement includes acknowledgment of the confidentiality of all information released unless parental consent it obtained or via a court order

Id.

What about our security procedures, can SROs access them?

Information concerning security procedures or emergency preparedness information is specifically defined as a public record if

- developed and maintained by a government body
- disclosure could reasonably be expected to jeopardize safety and
- the governmental body has adopted a rule or policy identifying the specific records or class of records to be protected

Iowa Code § 22.7(50)

Such as?

- Emergency operations and response procedures
 - Evacuation procedures
 - Lockdown procedures
- Passwords and other security information
 - Passcodes
 - Security codes
 - Passwords – especially those used to communicate with law enforcement, first responders, media, etc.
- And the catchall, that disclosure would *significantly increase the vulnerability of critical physical systems or infrastructures of a government body to attack*

Id.



Some Scenarios



An SRO who is employed by the local police department has an agreement with the school district for the SRO to work in the school district. The SRO is investigating a student's involvement in an incident of vandalism at the school and on school property. The SRO requests home address and phone number, attendance records and grades from the school counselor. The SRO plans to use the information for disciplinary proceedings with the school and seek possible restitution for the damages. The SRO has also obtained a copy of video surveillance showing the student damaging school property.

- 
- Should the SRO get the records from the school counselor?
 - Is the video of the incident an education record?
 - Can the SRO share the student's record and the video with the local PD?



We have a student and a teacher in a conversation on video. The student claims the teacher was inappropriate. Can the SRO give the video to the police?

We have video of a criminal act on our grounds. We cannot identify the individual. Can we turn that video over to police?



We have video of an adult committing a crime at a football game. Students are also on the video but just in the background, surprisingly, behaving themselves. Can we turn that video over to the police?

We have video of a student stealing from student lockers. Can we turn that over to police?

School cameras catch a fender bender in the parking lot. Parents and insurance company care but police don't – can you turn it over to parents and insurers?

Who is the Employer?

District

Yes; there is a Legitimate Educational Interest

The SRO may see the records

No; there is no Legitimate Educational Interest

Can't see the record without a subpoena, court order, or consent of the students parents.

Local Law Enforcement

Is there an information sharing agreement with the District?

No;

LE cannot see the records without a subpoena, court order, or consent.

No; it will be used to law enforcement or school disciplinary purposes

LE cannot see the records without a subpoena, court order, or consent.

Yes;

Do the terms of the agreement allow LE to see the records? is the information to be used to get the student services?

Yes; it will be used to provide services to the student

LE may see the records

The School Resource Officer



Introductions

- Chad Bentzinger – Safety and Security Manager
Ankeny Community School District
- Mary Gannon M.P.A., J.D. - Board Member, Public
Employment Relations Board
- Nicole Proesch J.D. - Legal Counsel, Office of the
Director, Iowa Department of Education

Purpose

The School Resource Officer (SRO) plays an important role in your school safety and emergency operations planning efforts. Chad Bentzinger and Mary Gannon (Nicole Proesch) will discuss strategies to improve understanding of SRO roles and responsibilities and provide information on how you can best utilize this important resource. They will discuss the day-to-day and emergency responsibilities of SROs, what agreements should be in place between the district and the police department, when to involve the SRO in school situations or investigations, and what information can be shared with an SRO under FERPA.

Being Safe & Feeling Safe

- Students who report feeling safe in school are more engaged in class, have higher academic achievement, and have lower rates of absenteeism, truancy, and behavioral issues.
- Educators who report feeling safe in school are better able to focus on academics, are more likely to remain in their positions, and are better equipped to teach and support students.
- Feeling safe in school is intrinsically connected to achieving educational outcomes for students and educators alike.

Two Disciplines

- The goal or purpose of the school is academic achievement and behavior or conduct is guided by policies
- The goal or purpose of law enforcement focuses on creating or maintaining order and law
- Both desire the right balance to ultimately have the best impact for youth

Bridging The Gap

To best support and facilitate a mutual understanding and goals, the School District and Law Enforcement Agency should have a memorandum of understanding in place

- Clear expectations and responsibilities for the LEO (this is only fair for the officer providing the service)
- Educating administration and staff on when to involve the SRO and how to appropriately utilize the SRO's resources

The MOU For The PD

The memorandum of understanding should include:

- Expectation of days and times for the officer to be present
- What building or buildings they support
- The importance of being in common spaces, hallways, classrooms, or parking lots, not in an office
- Clear understanding for the officer between patrol service and SRO service; being a part of that school team
- Consideration of vehicle, classes, and special events

MOU For The Schools

The memorandum of understanding should include:

- What types of functions or duties such as rounds, areas to maintain presence, and how the officer can support policy through verbal encouragement
- Provide student and staff handbooks
- Educate administration and staff of how, when, and what, to appropriately utilize the SRO
- So often SRO's are put into situations that are very difficult to navigate because they are sworn peace officers

Together

When schools and LEO's are able to collaborate with these details they can become a strong and supportive foundation for our students and staff.

Schools have to help protect the LEO and their oath. Bringing an LEO prematurely into a situation or requesting their support for intensions strictly school policy related can cause strain for the officer and/or the potential case.

SRO's & Emergencies

Every district is different just like each agency is governed differently. Some schools have relationships with multiple levels of the LE agency that supports them. Regardless, this is where you can utilize your SRO to ensure that your emergency plans and the response or expectation of the police department mesh together.

This should be reflective in plans and supported through training. Always support any request for LE to utilize one of your schools (this allows them to gain familiarity with the structure and aids in the bond).

SRO's & Emergencies

- There are many different types of emergencies that schools face. It is important to include the SRO in the emergency planning meetings.
- Understand that as LEO's there can be conflict with what they are able to recommend per their department policy.
- When an actual emergency occurs the SRO will be responding as trained so your plans should not require them to perform a school task.

**June 28— 29
2016**

IASRO

Iowa Association of School Resource Officers

*8th Annual
School Safety Summer Conference
Camp Dodge (MCTC)
Johnston, IA 8:00 AM—4:00 PM*



Feature Presenters

- Tina Frundt—Courtney's House / Survivor
Child Sex Trafficking in our Schools
- Jermaine Galloway—Too Tall Cop Says Stop
*Current Alcohol, Drug, and Concealment
Trends & Identifiers*

June 28, 2016

Tina Frundt— Courtney's House / Survivor
Child Sex Trafficking in Our Schools

This course will breakdown the four main paradigms of trafficking to allow school staff members, juvenile court personnel, and SROs to identify warning signs and potential victims. This training will provide tactics for interviewing victims and how to build a case against traffickers and buyers. Internet investigation strategies will be discussed to be used in combating trafficking in our Iowa schools

June 29, 2016

Jermaine Galloway - Too Tall Cop Says Stop
Current Alcohol, Drug, and Concealment Trends and Identifiers

For each person to help prevent youth and adult substance abuse, you MUST know what is going on in your community. This all day community tailored training is designed for anyone with a vested interest in promoting a drug-free community.

A wide variety of topics will be discussed to include: alcohol and drug clothing, alcoholic energy drinks, alcopops, alcohol and drug concealment methods and containers, drug paraphernalia, drug related music and groups, logos, stickers, new technology, youth party tendencies, party games, non-traditional alcoholic beverages, social networking sites, synthetic drugs, OTC drugs, inhalants, concentrates, E-cigarettes, and popular party drugs.

This training will also cover common stash compartments that can be used to hide weapons inside everyday clothing containers and other items, along with the relationship between schools, drug and violence tendencies.

IASRO MISSION STATEMENT

The Iowa Association of School Resource Officers (IASRO) mission is to assist in the training, development and sustainment of those law enforcement officers charged with the prevention, detection and investigation of crimes committed upon school premises.

The IASRO supports the multi-disciplinary team approach and, in support of its mission, includes and engages persons as organization members from various professions including but not restricted to:
law enforcement, education, social services, mental health and law.

Today's school environment represents rapid changes both in the areas of technology and risks. As an organization, the IASRO seeks to minimize the impact of criminal influence and to prevent the commission of criminal acts by sharing pertinent information among its membership in a timely manner.

The IASRO serves as the foundation of a network for school resource officers and representatives of all agencies whose mission is to enhance the security and safety of Iowa schools, students and faculty. The IASRO goal is to provide a strong leadership role through resources, training and information for its members.



Contact Chad Bentzinger for registration and this course offers credit for educators.

Chad.bentzinger@ankenyschools.org



Upcoming Events

➤ Webinar

“Emergency Communications and Media Relations” Friday, June 10

➤ EOP Planning Initiative Luncheon

Friday, June 24, 10am - 2pm, Des Moines

➤ 8th Annual School Safety Conference

June 28-29, 8am - 4pm, Camp Dodge, Johnston



Contacts For More Information:

Gary Schwartz

- ▶ gary.schwartz@iowa.gov
- ▶ 515-281-4743

Jane Colavecchi

- ▶ jane@jhcassociates.com
- ▶ 515-491-6088