Sharing of Student Records/Information between School District and State Agencies

It is the district's intention to utilize all avenues under state law to facilitate the sharing of relevant student records and information when necessary to protect the safety and welfare of school district staff, visitors, students, and the public and to protect property.

The superintendent shall develop procedures and a training program for staff consistent with this policy. The procedures shall direct school district personnel to provide and obtain student records and information to/from state agencies, including law enforcement and judicial department agencies, to the extent required or allowed by state and federal law.

Sharing of information by the district

Disciplinary and attendance information shall only be shared with a criminal justice agency investigating a criminal matter concerning a student enrolled or who will enroll in the school district when necessary to effectively serve the student prior to adjudication. Such information shall only be shared upon written certification by the criminal justice agency that the information will not be disclosed to any other party, except as specifically authorized or required by law, without the prior written consent of the student's parent/guardian.

School personnel who share disciplinary and attendance information concerning a student pursuant to this policy are immune from civil and criminal liability if they act in good faith compliance with state law.

Nothing in this policy shall prevent administrators, teachers or staff from disclosing information derived from personal knowledge or observation and not derived from student's education records.

Information obtained from state agencies

Within the bounds of state law, district personnel shall seek to obtain such information regarding students as is required to perform their legal duties and responsibilities, including protecting public safety and safety of the student. Such information may be obtained from the judicial department or any state agency that performs duties and functions under the Colorado Children's Code.

District personnel receiving such information shall use it only in the performance of their legal duties and responsibilities and shall otherwise maintain the confidentiality of all information obtained. School personnel who knowingly violate this provision are subject to disciplinary action pursuant to district policy and to a civil penalty of up to $1,000.

If such information is shared with another school or school district to which a student may be transferring, it shall only be shared in compliance with the requirements of federal law, including the Family Education Rights and Privacy Act of 1974 ("FERPA").

When a petition is filed in juvenile court or district court that alleges a student between the ages of 12 to 18 years has committed an offense that would constitute unlawful sexual behavior or a crime of violence if committed by an adult, basic identification information, as defined in state law, along with the details of the alleged delinquent act or offense, is required by law to be provided immediately to the school district in which the juvenile is enrolled.

The information shall be used by the superintendent to determine whether the student has exhibited behavior that is detrimental to the safety, welfare, and morals of the other students or school personnel and whether educating the student in the school may disrupt the learning environment in the school, provide a negative example for other students, or create a dangerous and unsafe environment for students, teachers, and other school personnel. The district shall take appropriate disciplinary action, which may include suspension or expulsion, in accordance with the student code of conduct and related policies.

LEGAL REFS.: 20 U.S.C. §1232g *(Family Educational Rights and Privacy Act)*
34 C.F.R. §99.1 *et seq.* *(Regulations)*
C.R.S. 19-1-303 and 304 *(records and information sharing under Colorado Children's Code)*
C.R.S. 19-1-304(5.5) *(duty of prosecuting attorney to provide juvenile delinquency records)*
C.R.S. 19-2-921(7.5) (department of human services shall notify school district if student's parole conditions require school attendance)
C.R.S. 22-1-122 *(district shall comply with FERPA)*
C.R.S. 22-32-109.1(6) *(duty to establish policy on sharing information consistent with state and federal law in the interest of making schools safer)*
C.R.S. 22-32-109.3 (2) *(duty to share disciplinary and attendance information with criminal justice agencies)*
C.R.S. 22-33-106.5 *(court to notify of conviction of crime of violence and unlawful sexual behavior)*
C.R.S. 22-33-107.5 *(school district to notify of failure to attend school)*
C.R.S. 24-72-204 (3)(e)(I) *(certain FERPA provisions enacted into Colorado Law)*
C.R.S. 24-72-204(3)(e)(II) *(disclosure by staff of information gained through personal knowledge or observation)*

CROSS REFS.:

Administration policies:

JKD/JKE, Suspension/Expulsion of Students
JRA/JRC, Student Records/Release of Information on Students

Board policies:

EL-3, Treatment of Students, Parents and Community