

## **SHARING OF STUDENT RECORDS/INFORMATION BETWEEN SCHOOL DISTRICT AND STATE AGENCIES**

It is the intent of the Colorado Springs School District 11 Board of Education (the Board) 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 Board directs the superintendent or his or her designee to develop procedures and a training program for staff consistent with this policy. The procedures shall direct 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.

### **A. SHARING OF INFORMATION BY THE SCHOOL 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 and district 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.

### **B. INFORMATION OBTAINED FROM STATE AGENCIES**

Within the bounds of state law, school district personnel shall seek to obtain such information regarding students as is required to perform their legal duties and responsibilities, including to protect 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, wantonly, and/or willfully violate this provision are subject to disciplinary action and penalties pursuant to Board policy and applicable law.

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 Educational Rights and Privacy Act ("FERPA").

When a petition is filed in juvenile court or district court alleging a student 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.

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.

Adopted: September 27, 2023

- LEGAL REFS.:
- 10 U.S.C. §503
  - 15 U.S.C. 6501 *et seq.*
  - 20 U.S.C. 1232g (Family Educational Rights and Privacy Act of 1974)
  - 20 U.S.C. 1232h
  - 20 U.S.C. 1415
  - 20 U.S.C. 7908
  - 20 U.S.C. 8025
  - 34 C.F.R. 99.1 *et seq.* (regulations)
  - 34 C.F.R. 300.610 *et seq.*
  - C.R.S. 19 1-303 and 304
  - C.R.S. 22-1-123
  - C.R.S. 22-16-101 *et seq.*
  - C.R.S. 22-16-107 (2)(a)
  - C.R.S. 22-16-107 (4)
  - C.R.S. 22-16-112 (2)(a)
  - C.R.S. 22-1-123
  - C.R.S. 22-32-109.3
  - C.R.S. 24-72-204 *et seq.*
  - C.R.S. 24-80-101 *et seq.*
  - C.R.S. 25.5-1-116

- CROSS REF.:
- EHB, Records Management
  - GBEE, Technology Resources and Internet Safety Responsible Use Staff
  - GBGB, Staff Personal Security and Safety
  - JLDAC, Screening/Testing of Students (and Treatment of Mental Disorders)
  - JRA/JRC, Student Records/Release of Information on Students
  - JRA/JRC-R, Student Records/Release of Information on Students (Request to Review/Amend Education Records)
  - JRA/JRC-E-1, Annual Notification of Parents/Guardians Rights
  - JRCB-R, Privacy and Protection of Confidential Student Information (Hearing and Complaint Procedures)
  - KDB, Public's Right to Know/Freedom of Information
  - Colorado Springs School District 11 Employee Manual, section (B)(18)
  - JK, Student Discipline