

ANCHORAGE SCHOOL DISTRICT
ANCHORAGE, ALASKA

MEMORANDUM

March 13, 2009

TO: CAROL COMEAU, SUPERINTENDENT
RHONDA GARDNER, ASSISTANT SUPERINTENDENT, INSTRUCTION
MIKE HENRY, EXECUTIVE DIRECTOR, HIGH SCHOOL EDUCATION
ED GRAFF, EXECUTIVE DIRECTOR, ELEMENTARY EDUCATION
LESLIE VANDERGAW, EXECUTIVE DIRECTOR, MIDDLE SCHOOL ED
REGINA ROLLINS, DIRECTOR, E.C.E. SPECIAL EDUCATION
CINDY ANDERSON, DIRECTOR SECONDARY SPECIAL EDUCATION
DIANE POAGE, DIRECTOR, RELATED SERVICES
SCHOOL PRINCIPALS

FROM: JERRY SJOLANDER, EXECUTIVE DIRECTOR, SPECIAL EDUCATION

SUBJECT: Report of Conduct to Law Enforcement

Federal regulations at 34 C.F.R. 300.535(b)(1) require that "an agency reporting a crime committed by a child with a disability shall ensure that copies of the special education and disciplinary records of the child are transmitted for consideration by the appropriate authorities to whom the agency reports the crime." Transmittal of copies of the child's special education and disciplinary records are permitted "only to the extent that the transmission is permitted by the Family Educational Rights and Privacy Act" (34 C.F.R. 300.535(b)(2)).

School districts must transmit records under State and Federal law to the authorities to whom the district has reported a crime. The transmittal of such records must comply with the provisions of FERPA. FERPA permits transmittal of education records with signed parent consent, to comply with a judicial order or subpoena, in connection with a health or safety emergency, or if a specific state statute permits the disclosure.

If there is no health or safety emergency and there is no judicial order or subpoena, then District personnel are required to seek parent consent in order to transmit the student's special education records to the authorities to which they had reported the student's crime.

The release of information is available online at
<http://www.asdk12.org/depts/sped/policy/part7/ConsentforRelinfo.pdf>.

Should you or your building level team refer a special education eligible student to law enforcement, please follow these steps:

- 1. Notify the law enforcement personnel that the student in question is eligible for and receiving special education services.**
- 2. If the building level administrator determines that a health or safety emergency is present and disclosure of the student's special education records are required, provide the records to the law enforcement officer.**
- 3. If the law enforcement officer presents a court order, release the student's records referenced in the court order.**
- 4. If the law enforcement personnel do not request a copy of the student's special education records, then seek a Release of Information from the parent, guardian or surrogate parent to subsequently provide the special education records to the law enforcement officer.**

If you have any questions regarding this process, please do not hesitate to contact my office at 742-4236.