Security Symposium
(CAPSS, CAS, CABE, CASBO, CSDE)
January 7, 2013
Legal and Policy Implications

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Introduction and Overview

• Why We Are Here – Our Shared Experience
• National Safety Initiatives and Community Partnering
• Response Considerations
• Crisis Communication and Information Sharing
• Available Resources
Emergency:

An unplanned event that can:

- Cause death or injury
  (employees, customers, tenants, the public, government)
- Disrupt operations
- Threaten financial standing or image
- Tornado, hurricane, blizzard, shooting, chemical spill, etc.
- OSHA defines Workplace Violence as any physical assault, threatening behavior, or verbal abuse occurring in the work setting
September 11, 2001
Recent School Shootings

- December 14, 2012 – Newtown CT
- August 27, 2012 -- Perry Hall MD
- April 2, 2012 – Oakland CA
- March 24, 2012 -- Starkville, MS
- March 7, 2012 – Jacksonville FL
- February 27, 2012 – Chardon OH
- February 24, 2012 – Bremmerton WA
- December 8, 2011 – Blacksburg VA
- May 10, 2011 – San Jose CA
- April 6, 2011 – Opelika AL
- March 31, 2011 – Houston TX
- March 25, 2011 – Martinsville IN
- January 5, 2011 – Omaha NE
- October 8, 20120 – San Diego CA
- March 9, 2010 – Columbus OH
- February 23, 2012 – Littleton CO
- February 12, 2010 – Huntsville AL
- February 5, 2010 – Madison AL
- February 17, 2009 – Detroit, MI
- November 21, 2009 - Savannah, GA
- June 24, 2009 – Parkersburg IA
- November 12, 2008 – Ft. Lauderdale FL
- August 21, 2008 – Knoxville, TN
- February 14, 2008 – DeKalb, IL
- February 12, 2008 – Oxnard, CA
- February 8, 2008 – Baton Rouge, LA
- October 10, 2007 – Cleveland, OH
- September 30, 2007 – Memphis
- September 21, 2007 – Dover, DE
- April 16, 2007 – Blacksburg, VA
- January 3, 2007 – Tacoma, WA
- October 2, 2006 – Nickel Mines, PA
- September 29, 2006 – Cazenovia, WI
- September 27, 2006 – Bailey, CO
Non-criminal but disruptive incidents: bullying, truancy, harassment, teasing

Theft: 868,000

Violent Crime (Fighting): 628,000

Serious Violent Crime: 136,500

Total Violent Deaths: 50*

* Homicides (39), Suicides (9), Law Enforcement Intervention (2). Includes students, staff and non-student fatalities on school property, to or from regular school sessions or school-sponsored events.
Why Have a Plan?

- 51,000 students injured on school buses
- 4 million children and adolescents injured at school
- 36,000 chemical exposures in schools
- 200,000 playground injuries
- 4.2 million youth have asthma attacks [some in schools]
- 738,700 incidents of violent crime in school
- 154,200 incidents of serious violent crime
- 21 students homicide victims in school

* 2003, 2005 data
Why Have a Plan?

- Anticipate and control hazards in the workplace
- Chemical Hazards
- Physical Hazards
- Exposure Monitoring
- Ergonomics
- IAQ/Mold; Ventilation
- Fire Prevention
- Accident Prevention
- Construction Safety
- Risk Management
- Federal and State OSHA Plans Required
- Other Statutes and Standards
School Districts and Charter Schools must adopt a Crisis Management Policy to address potential violent crisis situations

Developed cooperatively with administrators, teachers, employees, students, parents, community members, law enforcement, medical responders, emergency management, and others

- Must include five school lock-down drills, five fire drills, one tornado drill (also applies to private schools and educational institutions)
- Take an All Hazards approach
- Minnesota Commissioner of Education must make available Model Crisis Management Policy – (MSBA/MASA Model Policy developed collaboratively between MDE, MDPS, MSBA, and Homeland Security)
All-Hazards Approach

- **Natural** – Earthquakes, tornados, floods
- **Technological** – Power outages, nearby nuclear plant
- **Infrastructure** – Roads and bridges, utilities
- **Nonstructural** – Portable room dividers, bookshelves, suspended ceilings and light fixtures
- **Man-made** – Hazardous materials release, terrorism
- **Biological** – Pandemic flu, contaminated food
- **Physical wellbeing** – broken bones, suicide
- **Student culture and climate** – bullying, drugs, violent behavior
Connecticut Statutory Requirement

- Each local and regional board of education may establish a school district safety committee to increase staff and student awareness of safety and health issues and to review the adequacy of emergency response procedures at each school. Parents and high school students shall be included in the membership of such committees. (170 Sec 10-220f)

- Crisis response drills can be substituted for mandated monthly fire drill once every three months in schools. (170 Sec. 10-231)

- Boards must adopt policies to report bullying (170 Sec. 10-222d)

Connecticut State Board of Education
Policy Guidance

• Every school district should develop a full range of school-based support services that foster prevention and intervention systems addressing health and social factors for student success. (April 7, 2010)

• Establish school-based and districtwide teams to assess the health and mental health needs of the school community and coordinate the delivery of an array of services that includes prevention, early intervention and crisis response.
Connecticut State Board of Education
Policy Guidance

• Teams should include student support specialists, school administrators and representatives of community agencies, e.g., police, Department of Children and Families, and health and mental health care providers. (CSDE Guidelines for a Coordinated Approach to School Health, 2007, provides recommendations to address the physical, social and emotional health needs of the school community.)

• Use Memoranda of Understanding to establish agreements with community agencies that identify and streamline mechanisms for student referrals to external support services.
Comprehensive School Safety Guide

  

- Intended for district teams and partners developing or revising emergency management plans

- “General guidelines based on local, state and national best practices”

- Procedures should be customized to fit specific building sites and local emergency response protocol
# Self Assessment Checklist

## THE EMERGENCY PLAN

<table>
<thead>
<tr>
<th>CRITERION</th>
<th>YES</th>
<th>NO</th>
<th>NOT</th>
<th>N/A</th>
<th>FURTHER STUDY</th>
<th>COMMENTS</th>
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<tbody>
<tr>
<td>1. Multi-hazard in nature; within the emergency management model of Prevention, Preparedness, Response and Recovery.</td>
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<td>2. District articulates a strategic vision, mission, and methodology for response agencies.</td>
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<td>3. District's plan is then developed in collaboration with community stakeholders and response agencies.</td>
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<td>4. Plan identifies designees (ideally three) who will direct emergency response in the absence of the administrator.</td>
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<td>5. Plan is reviewed and updated on a regular basis.</td>
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<td>6. Plan includes specific procedures and accommodations for students with special needs and/or English Language Learners (ELLs).</td>
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<td>7. Plan uses common vocabulary for all school stakeholders and emergency responders.</td>
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<td>8. Plan includes after-school activities.</td>
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<td>9. Plan includes an Incident Command System (ICS) and describes school emergency response teams.</td>
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<td>10. Plan includes a threat assessment process.</td>
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<td>11. Plan includes the following <strong>required</strong> universal procedures:</td>
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<td>b. evacuation</td>
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<td>c. secure weather shelter</td>
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<td>12. Plan includes the following <strong>suggested</strong> universal procedures:</td>
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<td>a. shelter-in-place</td>
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<td>b. reunification</td>
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<td>13. Plan includes emergency procedures specific to a variety of potential incidents, e.g. bomb threats, fights, intruders, hazardous materials.</td>
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OSHA Statutory Requirement

- OSHA Act of 1970
- Requires each employer to have site specific employee emergency plans.
- In addition to compliance with hazard-specific standards, all employers have a general duty to provide their employees with a workplace free from recognized hazards likely to cause death or serious physical harm. This includes the prevention and control of workplace violence
- Workplace safety requires a clear evacuation plan and other systems and trainings to ensure workplace safety and adequate emergency response plans
OSHA Statutory Requirement

- Create and share a policy of violence prevention
- Take incidents seriously
- Outline a security plan
- Assign responsibility, authority and resources
- Hold employees accountable
- Encourage prompt reporting and tracking
- Encourage employees to get involved and make recommendations
NFPA 1600 Emergency Preparedness Standard

- Voluntary standards for prevention, mitigation, preparation, response and recovery from emergencies for public, non-profit and private entities
- In 2007, Congress Adopted 9/11 Commission’s Recognition of NFPA 1600 (as recommended by ANSI)
- Updated 2010, 2013 Edition Pending
- Possible precursor to mandatory private preparedness standards

www.nfpa.org
National Fire Protection Association
We endorse the American National Standards Institute’s recommended standard for private preparedness … We also encourage the insurance and credit-rating industries to look closely at a company’s compliance with the ANSI standard in assessing its insurability and creditworthiness. We believe that compliance with the standard should define the standard of care owed by a company to its employees and the public for legal purposes. Private-sector preparedness is not a luxury; it is a cost of doing business in the post-9/11 world. It is ignored at a tremendous potential cost in lives, money, and national security.”
"The objective of the United States Government is to ensure that all levels of government across the Nation have the capability to work efficiently and effectively together, using a national approach to domestic incident management."

The Old Way

Decision to Evacuate or Lockdown/Shelter-In-Place

Is the school building safe?

NO

Evacuate

- Call 911 if appropriate
- Call Safety & Security
- Make announcement
- Sweep building
- Assist disabled students
- Take Emergency Response Backpack
- Take attendance

Are school grounds safe?

- Go to Designated On-Site Location
  - See school's Emergency Management Plan
  - Request transportation
  - Can you use school buses as shelter?

NO

YES

Go to Outside Assembly Areas

- Account for students
- Relay this information to the Site Administrator

Reassess the Situation

YES

Lockdown

- Call 911 if appropriate
- Call Safety & Security
- Make announcement
- Bring everyone inside
- Lock all doors
- Put sign in window
- No one enters or leaves

Is the danger outside the building?

YES

Modified Lockdown

- Exterior doors locked
- No one enters or leaves
- Children may move within the building

Is a tornado sighted?

YES

Shelter-In-Place

- Go to internal safe areas in school
- Take protective kneeling position
- Crouch, head between knees, clasp hands on back of head
Four Phases of Emergency Management

- Prevention & Mitigation
- Preparedness
- Recovery
- Response
Community Partners – The New Way

School District
(including teachers, staff, parents, students)

Public Health

Mental Health

Public Safety

Law Enforcement

Emergency Management

Local Government
Key Elements of Emergency Management Plans

- “All Hazards” approach
- Developed collaboratively with community partners
- Based upon sound data and information
- Practiced on a regular basis
- Continually reviewed and updated
- Living documents
- Command structure (NIMS)
- Tailored to conditions of individual buildings
- Address all four phases of emergency management
- Include a threat assessment process
Prevention and Mitigation

- Taking Steps Now to Prevent or Reduce incidents and exposure to damage
  - Safety audit to identify critical issues and improve safety
  - Safety team meeting to assess current status of planning
  - Review and revise established Emergency Management Plan
  - Use Safety First Concepts
    - E.g., CPTED – Crime Prevention Through Environmental Design; discussion with District’s architect (ingress/egress, lighting, card key access, etc.)
Prevention and Mitigation

- Dialog with District Insurer for Safety Ideas.
  
  Loss Control and Accident Prevention. Available risk mitigation programs and resources. Safety survey and auditing.

- Call Fire and Police Chiefs for ideas and involve partners in prevention discussions

- School Climate programs, Anti-bullying, Student Assistance and Well Being

- Innovative Approaches
  
  E.g. CT Regional Centers, Specialized Joint Powers Board, Cooperative, Memoranda of Understanding between partners (school district, city, county, state, township, etc.) for shared emergency management resources
Preparedness

- Developing policies and protocols, incident command systems, training, planning, coordination and exercises for potential emergencies

- Action steps include:
  - Work with community partners to develop appropriate emergency management policies and procedures
  - Clarify roles and responsibilities - establish an Incident Command System
  - Provide training
  - Conduct drills and exercises
  - Obtain necessary equipment and supplies
  - Prepare for immediate response
  - Create maps and facilities information
  - Develop accountability and student release procedures
  - Address liability issues
Preparedness

National Incident Management System (NIMS)

- Comprehensive, national approach to incident management; applicable at all jurisdictional levels and across all disciplines
- Local education agencies receiving federal grant funding must support NIMS
- Includes an Incident Command System (“ICS”): Standardized, on-scene, all-hazard incident management concept using Best Practices to facilitate an integrated, organizational structure to match the complexities and demands of single or multiple incidents without being hindered by jurisdictional boundaries. ICS helps ensure the safety of responders and others, achievement of tactical objectives and the efficient use of resources.
The Six Components of NIMS

1. Command and Management
2. Preparedness
3. Resource Management
4. Communications and Information Management
5. Supporting Technologies
6. Ongoing Management and Maintenance
Sample School-Based Incident Command System

Incident Commander and Incident Command Team

- Public Information Officer
- Liaison Officer
- Safety Officer

Operations
- Health Services/First Aid
- Search and Rescue
- Student Supervision

Planning
- Documentation/Recorder
- Facility and Materials

Logistics
- Transportation
- Food Services

Finance & Administration
- Insurance Claims
- Personnel

Student/Parent Reunification

Food Services
**Response**

- Mobilize response team that shields the site, students & staff from outside forces
- Make call for assistance before it’s too late
- Understand it’s not “business as usual”
- Act in the short-term, but think in the long-term
- Know key messages and stick to them
- Don’t allow media to dominate time, attention
Response Considerations

- Convene Emergency or Special Board meeting
  Superintendent, Counsel, other high level administrators

- Carry Our Response Plan
  Coordinated approach and Master Plan to address issues presented

- Assemble Crisis Response Team to Implement Plan
  Superintendent, Counsel, Consultants, designated school board member(s), critical administrators, state education department representative, and perhaps national school representative. Predetermine or designate a leader/chair. Set meeting schedule.
Response Considerations

- The Plan should include
  Immediate Action items (e.g., coordination with investigating authorities, grief counseling, media relations, evidence preservation, school resumption)

- Investigation Plan

- Potential Liability Issues

- Cooperate with authorities
  Coordinate through counsel,
  Protect disclosure of investigative items, (e.g., photos)
  Request inventory of items (e.g., school computers may be seized as criminal evidence and sent to a forensics lab)
Response Considerations

- Involve state/national school associations for available resources
- Develop Plan to re-open the school, or use of leased/loaned temporary space – with coordinated plan for full security of students and staff at temporary site
- Implement plan for grief counseling
- Develop Plan for inspections and access to school, including sign-in, confidentiality, determine who should have access. Consider private security to protect site from unwanted inspections (i.e., media, tabloids, thrill-seekers, etc.) Preserve evidence through photos before reconstruction, clean-up, etc.
Response Considerations

- Promptly identify and secure student and employee victim records and personnel files; Inventory personal effects.
- Keep written record of all investigative agencies involved in investigation, including all District materials provided to agencies. Initiate diary system for interaction with agencies.
- Obtain and consult all applicable school policies and handbooks (school, parent, district).
Response Considerations

- Consider need for crisis management expert(s) for liability and practical issues
- Obtain all records and Memoranda of Understanding for any School Resource Officers
- Obtain copies of all Safety Information
  Emergency Management Plans, Board Minutes involving approval of safety plans, delineation of staff for implementation of plans, documentation practice drills and implementation, contracts and agreements with any vendors providing materials or plan proposals, etc.
Response Considerations

- Letter to all District personnel – Preservation of Records
  Preserve information and evidence (e.g., memoranda, e-mails, text messages, voicemails, photos, etc.);

- Letter to District employees -- Communication
  District’s expectations of employee communication about incident or District’s safety plan (e.g., media requests go to Superintendent or media relations person; no interview without notice to District);

- Notify District’s insurers - coordinated through counsel.
  (e.g., insurer requests for information and interviews coordinated through counsel to protect work product and attorney-client privilege)
Response Considerations

- Collect Visitor logs; Phone logs and records; 911 calls
- All audio / video footage
- Obtain and secure all evidence of past contact with perpetrator, or perpetrator’s family
- Secure confidentiality/nondisclosure agreements for employees with access to sensitive materials;
- Maps of school, scene of incident.
- State or state association model policies, national guidelines
Response Considerations

- Seek grant assistance, Federal help for recovery efforts
- Collect all media reports to aid in investigative efforts, and develop files for each witness giving a statement or account
- Obtain all insurance policies for all insurance in place for District on date of incident
- Tailor Master Response Plan in accordance with the facts presented, practical considerations, and applicable laws and regulations.
Crisis Response - Communication

- **Internal:**
  
  *leadership, staff, key stakeholders, students*

- **External:** *parents, community*

- **Media:**
  
  *heal and return to normalcy*
  
  *stay on message; speak with one clear voice*
  
  *respond to all reasonable requests*
  
  *develop guidelines for access to students, staff*
Crisis Response - Communication

- Speed of communication
- First impressions are lasting impressions
- Factual content of the message
  
  Get it right, repeat it, share with others

- Trust and credibility
  
  Crucial to sustain support during & after crisis

  **Elements:**  empathy & caring; competence & expertise; honesty & openness; commitment & dedication
Crisis Response - Communication

- Email broadcasts
- District & school websites
- Rapid response/alert notification systems
- Hotlines/emergency voice bulletin boards
- Social media networks
- Facebook, Twitter, blogs, etc.
Conducting Effective Press Conferences

Six Steps to Success
1. Planning

- All Parties Agree on Subjects to Be Covered and Who Answers What Questions
- Choose Spokesperson
- Choose Location
- Notify Media in at Least One Hour in Advance
- Recognize Legal Restrictions on Information Sharing
2. Introduction

- Identify Yourself, Key Players
- State Your Purpose
- Introduce a Control Element
  - Agenda, Time Limit, Question Limit, Etc.
3. **Read Prepared Remarks**

- Keep It Concise and Focused
  - Five Minutes or Less
  - Use Common Language
  - Avoid Jargon and Acronyms
  - Use Who, What, When, Where, Why and How
4. The Transition

- Announce You Have Concluded Your Formal Statements and Will Now Take Questions

- Introduce Another Control Element
  - Time, Number, Type
5. **Question and Answer**

- Stay Calm and in Control
- Spread Questions around Room
- Give Concise Answers
- Reinforce Messages
- Don’t Make or Allow Speeches
- Avoid “No Comment”
6. Conclusion

- Thank the Media for Being There
- Restate Certain Messages
Role of a Spokesperson in an Emergency

- Humanize Your Organization
- Remove the Psychological Barriers within the Audience
- Ultimately, Reduce the Incidence of Illness, Injury and Death by Getting it Right
- Identify Spokesperson in Advance
Great Spokesperson Qualities

- It is Not a Question of “Turf” or Rank; It’s a Question of Skills
- Shows Sincere Expression of Empathy
- Tells the Truth; Is Willing to Say “I Don’t Know”
- Has Confidence Without Arrogance
- Shows Appropriate Emotion
- Possesses Humility and Lack of Defensiveness
Recovery

- Crisis can be long-term. Recovery is a healing process
- Utilize coordinated grief counseling and mental health resources – involve community partners
- Seek opportunities to return to normal
- Seek to commemorate
- Bring in reinforcements
- Take care of yourself and your team
Recovery

- Continuously update Emergency Management Plan
- Learn from other situations
- Train new staff immediately
- Retrain all staff annually; don’t forget students
- Crisis not only creates character, but reveals it
- Remember your team on anniversary dates
In 1999, the FBI published The School Shooter, a Threat Assessment Perspective.

“...having a fair, rational, and standardized method of evaluating and responding to threats is critically important.”
Federal Threat Assessment/Safe Schools Initiatives

In May 2002, the U.S. Secret Service and U.S. Department of Education Issued Two Important Publications:
The Final Report of the Safe School Initiative


THE FINAL REPORT AND FINDINGS OF THE SAFE SCHOOL INITIATIVE:

IMPLICATIONS FOR THE PREVENTION OF SCHOOL ATTACKS IN THE UNITED STATES

UNITED STATES SECRET SERVICE AND UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, D. C.
May 2002
THREAT ASSESSMENT IN SCHOOLS:
A GUIDE TO MANAGING THREATENING SITUATIONS AND TO CREATING SAFE SCHOOL CLIMATES

UNITED STATES SECRET SERVICE AND UNITED STATES DEPARTMENT OF EDUCATION

WASHINGTON, D. C.
May 2002
10 Key Findings of the Safe School Initiative

- Incidents of targeted violence at school are rarely sudden, impulsive acts.
- Prior to most incidents, other people knew about the attacker’s idea and/or plan to attack.
- Most attackers did not threaten their targets directly prior to advancing the attack.
10 Key Findings of the Safe School Initiative (cont.)

- There is no accurate or useful “profile” of students who engage in targeted school violence.
- Most attackers engaged in some behavior, prior to the incident, that caused concern or indicated a need for help.
- Most attackers were known to have difficulty coping with significant losses or personal failures. Many had considered or attempted suicide.
Many attackers felt bullied, persecuted, or injured by others prior to the attack.

Most attackers had access to and had used weapons prior to the attack.

In many cases, other students were involved in some capacity.

Despite prompt law enforcement responses, most shooting incidents were stopped by means other than law enforcement intervention.
Bystander Study

Prior Knowledge of Potential School-Based Violence: Information Students Learn May Prevent a Targeted Attack.

U.S. Secret Service and U.S. Department of Education
May 2008
Bystander Study

- Of the shooting incidents in the Safe Schools Initiative, 93% of the perpetrators exhibited concerning behavior prior to the attack, suggesting attacks might have been avoided with proper observation techniques and more open sharing of information.

- In 81% of the shooting incidents at least one other person had some type of knowledge of the attacker’s plan, and in 59% of the incidents more than one person had such knowledge.

- 93% of those individuals who had prior knowledge were peers of the perpetrators – friends, schoolmates, or siblings.
Bystander Study

- Schools should ensure a climate in which students feel comfortable sharing information they have regarding a potentially threatening situation with a responsible adult.
- Bystander decisions to share knowledge of planned school violence results from the student’s positive emotional connection to the school and to its staff. Bystanders who did not share information related to the planned attack reported no connection to the school or a negative perception of the school climate.
“Developing meaningful social and emotional connections with students and creating a climate of mutual respect are essential to keeping schools safe. Such a climate encourages all students with information about threats against the school or its students to share the information with a responsible adult. Students in this study felt connected to the school when they believed someone in the school knew them and cared for them. Schools demonstrate their commitments to such climates by promoting social and emotional connections between students, staff, and teachers in everyday interactions and activities. Simple and genuine measures, such as regularly greeting students, talking to students, and addressing students by name, help to make students feel connected and part of the school.”
Information Sharing for Safety

- Information sharing is a vital component of safety
- Federal and state statutes protecting records allow disclosure under several exceptions
- Personal observations can be disclosed (e.g., overheard threat)
- Requires dialog between community partners to include plans for information sharing in your emergency planning
- Work Together as Partners
October 2007 US DOE Guidance on FERPA

Transfer of Education Records

Finally, under FERPA, school officials may disclose any and all education records, including disciplinary records and records that were created as a result of a student receiving special education services under Part B of the Individuals with Disabilities Education Act, to another school or postsecondary institution at which the student seeks or intends to enroll. While parental consent is not required for transferring education records, the school's annual FERPA notification should indicate that such disclosures are made. In the absence of information about disclosures in the annual FERPA notification, school officials must make a reasonable attempt to notify the parent about the disclosure, unless the parent initiated the disclosure. Additionally, upon request, schools must provide a copy of the information disclosed and an opportunity for a hearing. See 34 CFR § 99.31(a)(2) and § 99.34(a).

Contact Information

While the education agency or institution has the responsibility to make the initial, case-by-case determination of whether a disclosure is necessary to protect the health or safety of students or other individuals, U.S. Department of Education staff members are available to offer assistance in making this determination. For further information about FERPA, contact the Department's Family Policy Compliance Office.

Family Policy Compliance Office
U.S. Department of Education
400 Maryland Ave. S.W.
Washington, D.C. 20202-5920
202-260-3887

For quick, informal responses to routine questions about FERPA, school officials may also e-mail the Family Policy Compliance Office at FERPA@ED.Gov.

For inquiries about FERPA compliance training, e-mail FERPA.Client@ED.Gov.

School officials are regularly asked to balance the interests of safety and privacy for individual students. While the Family Educational Rights and Privacy Act (FERPA) generally requires schools to ask for written consent before disclosing a student’s personally identifiable information to individuals other than his or her parents, it also allows schools to take key steps to maintain school safety. Understanding the law empowers school officials to act decisively and quickly when issues arise.

Health or Safety Emergency

In an emergency, FERPA permits school officials to disclose without consent education records, including personally identifiable information from those records, to protect the health or safety of students or other individuals. At such times, records and information may be released to appropriate parties such as law enforcement officials, public health officials, and trained medical personnel. See 34 CFR § 99.31(a)(10) and 99.36. This exception is limited to the period of the emergency and generally does not allow for a blanket release of personally identifiable information from a student’s education records.

Law Enforcement Unit Records

Many school districts employ security staff to monitor safety and security in and around schools. Some schools employ off-duty police officers as school security officers, while others designate a particular school official to be responsible for referring potential or alleged violations of law to local police authorities. Under FERPA, investigative reports and other records created and maintained by these “law enforcement units” are not considered “education records” subject to FERPA. Accordingly, schools may disclose information from law enforcement unit records to anyone, including outside law enforcement authorities, without parental consent. See 34 CFR § 99.8.

While a school has flexibility in deciding how to carry out safety functions, it must also indicate to parents in its school policy or information provided to parents which office or school official serves as the school’s “law enforcement unit.” (The school’s notification to parents of their rights under FERPA can include this designation. As an example, the U.S. Department of Education has posted a model notification on the Web at http://www.ed.gov/policy/gen/guid/ftpco/ferpa/lea-officials.html.)

Law enforcement unit officials who are employed by the school should be designated in its FERPA notification as “school officials” with a “legitimate educational interest.” As such, they may be given access to personally identifiable information from students’ education records. The school’s law enforcement unit officials must protect the privacy of education records it receives and may disclose them only in compliance with FERPA. For that reason, it is advisable that law enforcement unit records be maintained separately from education records.

Security Videos

Schools are increasingly using security cameras as a tool to monitor and improve student safety. Images of students captured on security videotapes that are maintained by the school’s law enforcement unit are not considered education records under FERPA. Accordingly, these videotapes may be shared with parents of students whose images are on the video and with outside law enforcement authorities, as appropriate. Schools that do not have a designated law enforcement unit might consider designating an employee to serve as the “law enforcement unit” in order to maintain the security camera and determine the appropriate circumstances in which the school would disclose recorded images.

Personal Knowledge or Observation

FERPA does not prohibit a school official from disclosing information about a student if the information is obtained through the school official’s personal knowledge or observation, and not from the student’s education records. For example, if a teacher overhears a student making threatening remarks to other students, FERPA does not protect that information, and the teacher may disclose what he or she overheard to appropriate authorities.
"FERPA does not prohibit a school official from disclosing information about a student if the information is obtained through the school official’s personal knowledge or observation, and not from the student’s education records. For example, if a teacher overhears a student making threatening remarks to other students, FERPA does not protect that information, and the teacher may disclose what he or she overheard to appropriate authorities."
Other Opportunities to Share Information

- State laws - disclosure to aid law enforcement process, promote public health or safety, or dispel widespread rumors or unrest. See Minn. Stat. 13.82, subd. 15
- U.S. Patriot Act - disclosure of records without student consent in terrorist investigation
- HIPPA - Protected Health Information may be disclosed to avoid a serious threat to health or safety. Good faith belief that disclosure is necessary to prevent or lessen a serious and imminent threat to health or safety. E.g., in school emergency, school personnel may be able to disclose to the School Resource Officer medically relevant information
Resources

- U.S. Department of Education Office of Safe and Healthy Students [http://www2.ed.gov/about/offices/list/oese/oshs/index.html](http://www2.ed.gov/about/offices/list/oese/oshs/index.html)
- FEMA [www.fema.gov/areyouready/basic_preparedness.shtm](http://www.fema.gov/areyouready/basic_preparedness.shtm)
- Emergency Response and Crisis Management Technical Assistance (TA) Center [www.ercm.org](http://www.ercm.org)
Resources


  http://www.ed.gov/emergencyplan


  www.children.state.mn.us

NSBA/COSA Resources

- Will Dikel, child psychiatrist, “School Shootings and Student Mental Health:
- School Violence: What to Do When Red Flags Appear
- School Safety: Working Together to Keep Schools Safe
- School Law Primer - School Safety: Legal Pointers for Public Schools: June 2011
- Threat Assessment, Crisis Response, and Violence Prevention
NSBA/COSA Resources

- ASBJ Articles and other Resources are available at the NSBA School Safety Page

http://www.nsba.org/Board-Leadership/School-Safety
Security Symposium
(CAPSS, CAS, CABE, CASBO, CSDE)
January 7, 2013
Legal and Policy Implications

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