

MEMORANDUM

To: Superintendents and Principals

From: Stephen Balko, Director of School Safety

Date: July 12, 2019

Re: House Enrolled Act 1398 – Information Concerning Threats to School Safety

Background:

House Enrolled Act (HEA) 1398 permits a law enforcement agency or private university police department to share private investigatory records with a school corporation, charter school, or non-public school for the purpose of enhancing the safety of a student or school facility, without losing the discretion to keep the records confidential from other records requesters.

Guidance:

HEA 1398 states records relating to the enhancement of the safety or security of a student or a school facility are exempt as public records. School corporations, charter schools, or non-public schools may disclose education records, including personally identifiable information, without parental consent to appropriate officials in cases of health and safety emergencies. If it is determined that in disclosing student educational records, including personally identifiable information, a school corporation, charter school, or non-public school has violated IC 20-33-7-4, the school corporation, charter school, or non-public school shall be immune from civil liability so long as it can be shown they were acting in good faith to comply with the section.

It is important to note health and safety emergencies will be determined on a case-by-case basis by school officials. Additionally, appropriate officials include law enforcement, medical personnel, Department of Child Services officials, and a school administrator. A school administrator includes a principal, assistant principal, superintendent, or assistant superintendent.

HEA 1398 also states law enforcement shall disclose law enforcement records, including personally identifiable information, to appropriate officials (defined above). Any information concerning suspicious activity or potential criminal activity related to a child that is shared between a law enforcement officer and a school corporation or an appropriate office shall not be stored or maintained in any type of database.

If you have any questions, please contact Stephen Balko at 317-232-4914 or e-mail at sbalko@doe.in.gov.

This bill was authored by Representative Tony Cook and the full bill text can be found [here](#). Information regarding how to contact your legislators can be found [here](#).