



## State-Tribal Relations Committee

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### 65th Montana Legislature

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May 9, 2018

Superintendent Elsie Arntzen  
Office of Public Instruction  
P.O. Box 202501  
Helena, MT 59620-2501

Dear Superintendent Arntzen,

I write on behalf of the Legislature's State-Tribal Relations Committee (STRC) to encourage the Office of Public Instruction to work with Montana school districts to provide recent school photographs to law enforcement agencies when a public student is identified as a missing child.

At its March 2018 meeting, the STRC received information and statistics related to missing children in Montana and the Missing Persons Clearinghouse, which was established under the Missing Children Act of 1985 (44-2-501, et seq, MCA) to support law enforcement and families in searching for missing persons. The STRC learned that there are 64 missing children in Montana on any given night, and, on average, 36% of those missing children are American Indians.

The STRC was also disturbed to learn that an average of 40% of missing children do not have a current photograph included in the clearinghouse. Without a current photograph, it makes it much more difficult for law enforcement and families to find their missing children.

The STRC strongly encourages OPI to create and disseminate guidance and/or a model policy to school districts in Montana to facilitate the sharing of school photos with law enforcement when a student is identified as a missing child. We understand that there may be some confusion and a lack of clarity among school personnel about their duties and responsibilities under the federal Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. 1232g and 34 CFR Part 99).

The STRC suggests that OPI's guidance or policy encourage school districts to implement a definition of "directory information" under FERPA to include school photographs. This would allow school districts to release a school photograph to a requesting law enforcement agency as soon as a student is identified as missing. The STRC notes that districts are already required to send parents an annual notification regarding directory information under FERPA, and the STRC recommends that OPI distribute a model notification to districts that reflects the district's ability to share a student's school photograph with a

law enforcement agency if a student goes missing.

The STRC recognizes the important work done by OPI and school districts around Montana to keep our children safe. The STRC encourages OPI to take a proactive step in informing school personnel how they can help law enforcement agencies and families find their missing children by providing current photographs of a missing child while protecting the privacy rights guaranteed to students and parents under FERPA. The STRC thanks you for your consideration of the committee's recommendations.

Sincerely,

Representative Sharon Stewart-Peregoy, Chair  
State-Tribal Relations Committee