

## Iowa Public Information Board

In re the Matter of:

David Mayberry, complainant

And concerning:

St. Ansgar Community School District and St.  
Ansgar Police Department

Case Numbers: 15FC:0092

ORDER

**RE: David Mayberry and the St. Ansgar School District and Police Department.**

This matter comes before the Iowa Public Information Board (IPIB) this 18<sup>th</sup> day of February, 2016, to consider the report filed February 12, 2016.

The parties have arrived at a mutually agreeable resolution of the complaint, with terms as outlined by the February 12, 2016, report.

The proposed informal resolution is appropriate.

Therefore, the IPIB approves the informal resolution and sets this matter for compliance review at the IPIB meeting on March 17, 2016.

So ordered this 18<sup>th</sup> day of February, 2016.

IPIB Chair

CC: IPIB  
David Mayberry  
Katherine A.B. Beenken, Counsel for School and Board

ST. ANSGAR COMMUNITY SCHOOL DISTRICT AND ST. ANSGAR POLICE DEPARTMENT  
INFORMAL RESOLUTION  
15FC:0092

David Mayberry, complainant, filed a complaint with the Iowa Public Information Board (IPIB) against the St. Ansgar Community School District (School) and the St. Ansgar Community Police Department (Police) on November 19, 2015. In that complaint, Mr. Mayberry alleged that each violated Iowa Code chapter 22 when the School and the Police denied the requests for the release of certain records.

On October 14, 2015, complainant filed written requests to the Police requesting police reports, criminal affidavits and other records pertaining to an incident at the School. On October 27, 2015, the police chief responded that the investigative records were being reviewed by Juvenile Court Services for possible juvenile charges and would not be released.

October 14, 2015, complainant filed written requests to the School requesting a copy of a video from inside the school showing students involved in an incident on September 22, 2015, and copies of all emails sent or received by school employees and school board members concerning the incident. On October 19, 2015, the attorney for the School responded to the request by stating that Iowa Code section 22.7(1) and the Family Educational Rights and Privacy Act (FERPA) restricted the release of the records in question. Counsel for the school argued the video could not be released due to FERPA protection as one or more parents of the students in the video denied consent for the video's release.

Upon the IPIB acceptance of Mr. Mayberry's complaint, IPIB staff engaged in discussion of an informal resolution. Both Mr. Mayberry and counsel for the School and Police agreed to negotiate an informal resolution of the complaint.

The informal resolution is as follows:

1. Counsel for the School will release e-mails numbered 8, 12, 13, 15, 19 and 26 in the correspondence dated January 19, 2016.
2. Counsel for the Police will also release the document described as "Iowa Incident Report" from the January 19, 2016, correspondence with juvenile names redacted.

The above provisions shall be completed no later than February 29, 2016, and a report of compliance shall be filed by counsel for the School and Police with the IPIB no later than March 4, 2016. Upon successful completion of the informal resolution, the IPIB shall dismiss the complaint.

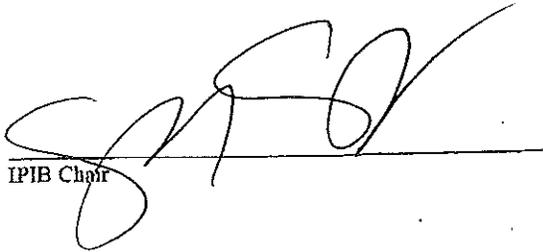
THIS INFORMAL RESOLUTION HAS BEEN REVIEWED AND APPROVED BY THE FOLLOWING:

David C. Mayberry  
David Mayberry, Complainant

2/12/16  
Date

Katherine A. B. Boertken  
Counsel for School and Board

2/12/16  
Date



IPIB Chair

02/18/16  
Date