

POLICY 225

Relations With Law Enforcement Agencies

REDLINE DRAFT FOR CONSIDERATION

Policy Number	225	Status	Draft Redline
Base Policy	Adopted 7/23/2002; revised 5/8/2018	Model Reference	No PSBA version available in CBSD portal

REDLINE KEY: ~~Red strikethrough~~ indicates deletion. Blue underline indicates addition. Unmarked text is retained.

Drafting note: *This draft uses active CBSD Policy 225 as the baseline. Proposed changes modernize procedures for law enforcement interviews, arrests, emergencies, parent/guardian notification, student records, disability protections and documentation. Solicitor review and alignment with the current law enforcement memorandum of understanding are recommended before adoption.*

Purpose

~~The Board recognizes that compulsory attendance laws impose on the Board the custodianship of district students while they are present in the schools.~~ The Board recognizes its responsibility for the supervision, safety and welfare of students while they are under district jurisdiction. This policy establishes expectations for district cooperation with law enforcement agencies while protecting student rights, maintaining school safety and minimizing unnecessary disruption to the educational environment.

Authority

~~It shall be the policy of the Board that cooperation with law enforcement agencies is essential for the protection of students and staff, for maintaining a safe environment in schools, and for safeguarding district property.~~ The Board supports appropriate cooperation with law enforcement agencies for the protection of students and staff, maintenance of a safe school environment and safeguarding of district property. Such cooperation shall be consistent with applicable law, the district memorandum of understanding with law enforcement, Board policy and the individual circumstances presented.

Except in an emergency or when otherwise required by law, law enforcement interviews and arrests should be conducted away from school and outside instructional time when reasonably practicable.

Delegation of Responsibility

The Superintendent or designee shall develop administrative regulations governing law enforcement access to students, interviews, arrests, emergencies, parent/guardian notification, student records, documentation and coordination with the district memorandum of understanding with law enforcement.

The building principal or designee shall serve as the primary school contact for law enforcement activity involving students unless an emergency requires immediate action.

Guidelines

Law Enforcement Interviews

~~When police request permission to interrogate a student at school, the principal shall inform the Superintendent, determine why such interrogation could not occur at the student's home, and attempt to inform the student's parents.~~ When a law enforcement officer requests to interview a student at school, the building principal or designee shall verify the officer's identity and authority, determine the purpose and urgency of the request, notify the Superintendent or designee and follow applicable law and district administrative regulations. Parent/guardian

notification shall occur as required by law and district procedures, unless notification is prohibited by law or would compromise an immediate safety or law enforcement response.

~~Whenever the Superintendent or designee has determined that the police have a legitimate purpose in interrogating a student within the school building, the principal or a representative shall be present throughout the proceedings.~~ A district administrator shall be present during an interview when permitted by law and not inconsistent with the student's rights, the nature of the investigation or a lawful directive of law enforcement. A district employee shall not act as the student's legal representative, provide legal advice or interfere with lawful law enforcement activity.

Arrest or Removal From School

~~When the police request permission to arrest a student at school, the principal shall inform the Superintendent, attempt to inform the student's parents, and request and inspect the arrest warrant.~~ When law enforcement seeks to arrest or remove a student from school, the building principal or designee shall verify the officer's identity and authority, notify the Superintendent or designee and request available documentation supporting the action. District staff shall not obstruct lawful law enforcement activity. Parent/guardian notification shall occur as soon as practicable unless notification is prohibited by law or directed otherwise by law enforcement.

~~No student shall be released to police authorities without an official warrant and appropriate evidence or written parental permission, except in the event of emergency or for the protection of life or property, as determined by the principal.~~ A student may be released to law enforcement when required or authorized by law, pursuant to valid legal process, with parent/guardian authorization, or when immediate action is necessary to protect life or safety. The principal or designee shall document the basis for the release and the identity of the receiving officer.

Students With Disabilities

When law enforcement activity involves a student with a disability, including a student for whom an evaluation is pending, the district shall comply with applicable state and federal laws, regulations and Board policies. Appropriate student services personnel shall be consulted when practicable and consistent with emergency needs and lawful directives.

Student Records and Confidentiality

Requests for student records or personally identifiable information shall be handled in accordance with applicable privacy law, Board policy, lawful process and applicable memoranda of understanding between the district and law enforcement agencies. District employees shall disclose only information authorized or required by law and shall document the request and disclosure.

Documentation

The building principal or designee will document in the student record whenever there is a law enforcement interaction involving the student, while maintaining confidentiality as required by law.

Legal References

- 24 P.S. § 13-1303-A
- 22 Pa. Code Chapter 10
- 20 U.S.C. § 1232g; 34 C.F.R. Part 99
- 20 U.S.C. § 1400 et seq.; 34 C.F.R. Part 300

Policy References

- Policy 103.1 - Nondiscrimination of Students Eligible for Special Education Services
- Policy 113.1 - Discipline of Students With Disabilities
- Policy 204 - Attendance
- Policy 216 - Student Records
- Policy 218 - Student Discipline
- Policy 236.1 - Threat Assessment

- Policy 805.1 - Relations With Law Enforcement Agencies
- 225-AR-1 - Law Enforcement Contact With Students

225-AR-1

Law Enforcement Contact With Students

NEW ADMINISTRATIVE REGULATION | ALL TEXT PROPOSED

Redline treatment: All provisions below are newly drafted.

Purpose

This regulation establishes procedures for law enforcement interviews, arrests, emergency actions, records requests and other contacts involving students while under district jurisdiction.

Initial Administrative Response

1. Direct the officer to the building principal or designee unless immediate action is required.
2. Verify the officer's identity, agency and contact information.
3. Determine the stated purpose, legal authority, urgency and requested location of the contact.
4. Notify the Superintendent or designee when practicable.
5. Limit disruption and protect the privacy and safety of students and staff.

Interviews of Students

Before an interview at school, the principal or designee shall determine whether the student is a witness, victim, suspect or subject of protective action to the extent that law enforcement may disclose that information. The administrator shall ask whether the interview can occur after school or at another location without compromising safety or the investigation.

- The principal or designee shall notify the student's parent/guardian when law enforcement requests to interview the student at school. The interview shall not take place until the parent/guardian is present or authorizes the interview to proceed without their presence, unless notification or parental involvement is prohibited by law or the responsible law enforcement agency directs that notification be delayed.
- The student shall not be compelled by district staff to answer law enforcement questions.
- A district administrator shall remain present when permitted and appropriate, but shall not provide legal advice or waive rights on behalf of the student or parent/guardian.
- Interviews shall occur in a private location and be limited to the time reasonably necessary.
- If the student requests a parent/guardian or attorney, the administrator shall communicate the request to the officer and avoid interfering with the lawful process.

Arrest or Removal

1. Verify the officer's identity and request to review available legal process or other authority supporting the arrest or removal.
2. Do not physically interfere with lawful law enforcement action.
3. Notify the Superintendent or designee and the parent/guardian as soon as practicable, unless notification is prohibited or delayed by lawful direction.
4. Arrange the transfer in a manner that reasonably protects student privacy and minimizes disruption, when circumstances permit.

5. Record the officer's name, agency, time of departure, destination if provided, and property transferred with the student.

Emergency Situations

In an emergency involving an immediate threat to life or safety, staff shall prioritize emergency response procedures and lawful directions from law enforcement. Steps that are not feasible during the emergency shall be completed as soon as conditions permit.

Child Abuse, Protective Custody and Other Specialized Matters

When contact involves suspected child abuse, protective custody, a court order, a missing child, a threat assessment or another specialized legal process, administrators shall follow the applicable law, Board policy and established district protocol. The administrator shall consult the Superintendent or designee and district solicitor when circumstances permit.

Students With Disabilities

When practicable, the principal or designee shall consult appropriate student services personnel regarding communication, disability-related needs and required procedural protections. District staff shall not interfere with emergency action or lawful law enforcement authority.

Records and Information Requests

- Refer requests for education records, video, electronic information or other student information to the designated district administrator.
- Require a subpoena, court order, consent or other lawful basis when applicable.
- Apply any legally required notice or response period.
- Document the information disclosed and the authority supporting disclosure.
- Do not provide access to records beyond the scope of the lawful request or authorization.

Documentation

The principal or designee shall complete a confidential record of significant law enforcement contact, including the date, time, location, student, officer and agency, stated purpose, legal authority presented, persons present, parent/guardian contacts, records disclosed and disposition. Records shall be maintained and disclosed in accordance with district retention and confidentiality requirements.

Staff Responsibilities

Employees shall immediately refer nonemergency law enforcement requests involving students to an administrator. Employees shall not obstruct an officer, provide legal advice, promise confidentiality, consent on behalf of a student or disclose student information unless authorized by law and district procedure.