

Board Policy LDAJ: Law Enforcement

Status: DRAFT

Original Adopted Date: Pending

PROPOSED DRAFT

Interrogations and Investigations for Safe Space to Learn

The DeKalb County School District is committed to maintaining a safe, orderly, and supportive learning environment for all students. This commitment is taken to ensure that all students can learn free from fear and is given regardless of immigration status, national origin, or the status of the student's parents or caregivers. This policy establishes clear expectations for how school personnel respond when law enforcement officers or other government agents request access to students, student records, or school facilities.

Access to students and School Facilities

Consistent with the Fourth Amendment of the United States Constitution, law enforcement officers or other government agents will not be permitted to question a student, remove a student from campus, access non-public areas of school property, or obtain student information without appropriate legal authority.

Verification of Legal Authority

Before permitting law enforcement officers or other government agents to question a student, remove a student from campus, access non-public areas of school property, or obtain student information, school administrators will verify the legal authority presented.

Except in circumstances involving an immediate threat to the health or safety of students or staff, such authority must be supported by a valid judicial warrant, court order, or other legally binding document issued by a court of competent jurisdiction. For purposes of the policy, administrative detainers or civil immigration documents issued by federal agencies that are not signed by a judge will not be considered judicial warrants.

School personnel cannot independently interpret warrants, subpoenas, or other legal documents presented by outside agencies.

District Legal Review

When law enforcement officers or government agents present a warrant, subpoena, or other legal document requesting access to students, student records, or non-public areas of school facilities, the document will be referred to the District's Office of Legal Affairs for review before access is granted.

School staff will direct all such requests to school administration and district leadership and will not authorize access beyond publicly accessible areas of the campus unless:

1. A judicial warrant or court order is presented and verified, or
2. There exists an emergency involving an immediate threat to the health or safety of students or staff.

Student Records and Privacy

In accordance with the Family Education Rights and Privacy Act (FERPA) 20.U.S.C. & 1232g, the district will protect the confidentiality of student information and cannot release student records or information to law enforcement or outside agencies except as permitted by law and in accordance with district procedures. Requests for student information will be reviewed through appropriate administrative and legal channels prior to disclosure.

When appropriate and not prohibited by law, the district will make reasonable efforts to notify a student's parent or guardian prior to granting access to the student or releasing student information.

Training and Implementation

The superintendent or designee is authorized to develop procedures to implement this policy and to provide training to staff on responding to law enforcement requests and protecting student privacy.

Compliance with Law

Nothing in this policy shall be construed or applied in a manner that violates state or federal law requiring compliance or cooperation with lawful law enforcement activity or lawful requests for information.

State

O.C.G.A. 20-02-1185

O.C.G.A. 20-08-0005

Description

School safety plans; drills

Law enforcement powers of school security personnel;
certification; carrying of weapons/firearms**Federal**

20 USC 7961

20 USC § 1232g

Description

Gun-Free Schools Act

Family Educational Rights and Privacy Act
