



Board Policy on Law Enforcement Access to Scholars on Campus

The John Adams Academy schools ("School") shall cooperate with law enforcement requests while maintaining maximum protection for our scholars. The School shall adhere to the following policies and procedures in the event a law enforcement officer or child protective services agent (referred to collectively as "law enforcement officer") seeks access to a scholar on campus. All references to "parent" in this policy shall mean parent or legal guardian.

Please Note: This policy does not address immigration enforcement actions. If U.S. Immigration and Customs Enforcement arrives on campus to request information or access to individuals, please consult the School's Board Policy on Immigration and Citizen Status (AB 699).

Initial Contact and Authentication of Law Enforcement Officer

When a law enforcement officer arrives on campus, the School shall:

- Refer Officer to Responsible Person: School staff should first refer a law enforcement officer who visits campus to the Principal, and if they are unavailable, a school administrator. The individuals responsible for communicating with law enforcement officers are collectively the "Responsible Person."
- Request Information from Law Enforcement Officer: When any law enforcement officer requests access to a scholar or for information concerning a scholar, the Responsible Person should request proof of the law enforcement officer's identity and official capacity (e.g., badge number), the reason for the visit, and the legal grounds for the requested access or information. Most law enforcement officers have calling cards with their name, agency, badge, and contact information.
- Authentication of Law Enforcement Officer: If it is unclear that the law enforcement officer is a legitimate law enforcement officer, the Responsible Person should reach out to the law enforcement officer's agency to confirm the officer's identity and the need to be on campus.

- Determine Reason for Visit: If, after the reasonable inquiry outlined above, the law enforcement officer and their visit to campus appear legitimate, the Responsible Person should seek additional information about the visit. The Responsible Person should determine what is being requested (e.g., question a scholar, arrest or detain a scholar, access scholar records, etc.) and the reason (e.g., investigate an incident, meet with scholar because they are a suspected victim of child abuse or neglect, etc.).
- Parental Consent is Not Required: Should school staff determine to allow access to the scholar, parental consent is not required in order for a law enforcement officer to arrest a minor scholar. Nor is parental consent legally required for questioning a scholar on-campus. In most cases, the School should endeavor to notify parents when a law enforcement officer questions a scholar, unless such notification may reasonably impede the law enforcement officer's investigation or may harm the scholar (e.g., in cases of suspected child abuse or neglect by parents).
- Exception in Case of Emergency: The initial contact and authentication procedures outlined above may be abbreviated or delayed in the event the law enforcement officer is on campus to respond to an emergency or immediate threat to health and safety. However, in any such instance, the Responsible Person should still attempt to authenticate the law enforcement officer's identity and provide appropriate parental notification as soon as practicable once the situation is under control.

If a Law Enforcement Officer Seeks to Question a Scholar

When a law enforcement officer seeks to question a scholar, the School shall:

- Determine if Questioning is Appropriate: If the law enforcement officer seeks only to *question* a scholar for issues unrelated to the School, the Responsible Person may ask the officer to seek to question the scholar off campus when school is not in session. However, there are situations where questioning of a scholar on campus may be appropriate, including when law enforcement officers enter the School premises in "hot pursuit" of a suspect, when investigating a serious crime, when investigating child abuse or neglect, when responding to an emergency, or when responding to a crime being committed on school property.
- Facilitate Questioning: If the law enforcement officer questions the scholar on school grounds, the Responsible Person should inform the officer where the questioning may be conducted, assuming the scholar agrees to be questioned, and identify a staff person to monitor the questioning. If possible, a non-public area should be identified. The Responsible Person should handle the law

enforcement officer's request for questioning in a manner that respects the scholar's privacy interests and causes the least possible disruption. Aside from an emergency or similar situation, the Responsible Person should summon the scholar in a routine manner to minimize disruptions to educational activities and ensure that the initial contact with the law enforcement officer is not in the presence of other scholars or faculty.

- Accommodations Required for Scholars with Disabilities: If the scholar requested for questioning by the law enforcement officer is a scholar with disabilities, the Responsible Person should consult the scholar's individualized education program (IEP) or Section 504 Plan to determine if an accommodation must be made before allowing the questioning. If a law enforcement officer asks about an accommodation provided to a scholar as part of the questioning, the Responsible Person must avoid revealing information from the scholar's IEP or Section 504 Plan and inform the law enforcement officer only that the accommodation is provided to ensure the questioning process is done in a safe manner. A disclosure from a scholar's IEP or 504 Plan without parental consent may constitute a violation of the Family Educational Rights and Privacy Act (FERPA).
- Monitoring Role: Before any on-campus questioning, the Responsible Person should inform the law enforcement officer and the scholar of the Responsible Person's intention to monitor the questioning process to ensure the questioning is done in a safe manner. The Responsible Person shall monitor the questioning or assign an appropriate staff member who is familiar with this policy to conduct the monitoring. Whoever monitors the questioning on behalf of the School cannot require a scholar to sit through questioning involuntarily and shall not support the law enforcement officer in questioning.
- Respect Scholar Requests: If the scholar asks that the Responsible Person not attend the questioning, the Responsible Person should comply. If the law enforcement officer asks that the Responsible Person not attend the questioning, the Responsible Person should comply *only if the scholar consents*.

It is the responsibility of the law enforcement officer to advise a scholar of their legal rights.

- Notify Parents: In most cases, the School should endeavor to notify the scholar's parent of the law enforcement questioning as soon as practicable when a law enforcement officer questions a scholar, except when such notification may harm the scholar. However, if the law enforcement officer has given a reason not to inform the parents about the questioning that implicates the health and safety of the scholar or others, such as suspected child abuse or neglect by the parents, the

Responsible Person should rely on the law enforcement officer's direction and as a result, should not notify.

The Responsible Person should not hesitate to contact legal counsel if there are questions about the appropriateness of notifying parents.

- Scholar Taken into Custody: In some circumstances, law enforcement officers may need to remove the scholar from the School premises in order to conduct their investigation. If it is unclear why law enforcement officers seek to take a scholar into custody for questioning, the Responsible Person must request that the law enforcement officer provide an explanation for the removal. The School needs this information to determine next steps and to notify the scholar's parents.

If the law enforcement officer decides to take a scholar into custody because the scholar is a suspected victim of child abuse or neglect, it is the responsibility of the law enforcement officer to notify the scholar's parent. In this scenario, the Responsible Person should provide the name, address, and phone number of the scholar's parents to the law enforcement officers.

If a scholar is taken into custody for reasons unrelated to child abuse or neglect, the Responsible Person should take steps to immediately notify the scholar's parent that the scholar was taken into custody, as required per Ed. Code § 48906.

If Law Enforcement Officer Seeks to Arrest a Scholar

When a law enforcement officer seeks to arrest a scholar, the School shall:

- Review Arrest Warrant or Court Order: If a law enforcement officer presents a warrant or court order that indicates a scholar is to be *arrested*, the Responsible Person should initially review the warrant or court order to ensure validity. The Responsible Person is encouraged to confer with legal counsel.
- Cooperate in Making Scholar Available: If the arrest warrant or court order is valid, the Responsible Person should cooperate in making the scholar available. Aside from an emergency situation, the Responsible Person should provide access to the scholar in the least disruptive and most protective manner possible (e.g., by summoning the scholar in a routine manner to the Principal's office or other non-public area).
- Notifying Parents: If a scholar is taken into custody for reasons unrelated to child abuse or neglect, the Responsible Person must immediately notify the scholar's parent that the scholar was taken into custody.

If Law Enforcement Officer Requests Scholar Information or Records

When a law enforcement officer seeks scholar information or records, the School shall:

- **If Officer Asks if a Scholar is Present at School:** The Responsible Person may confirm to a law enforcement officer whether a scholar is present on campus. In most cases, revealing the scholar's presence to a law enforcement officer on campus is appropriate and would not cause harm to the scholar (e.g., if law enforcement officer wants to speak about child abuse or neglect). However, there may be some scenarios where it would harm the scholar to reveal if they are present. For example, a law enforcement officer may want to know if a scholar is present at school, but will not reveal the reason for this request. In such cases, the Responsible Person can request that the officer provide a subpoena or other similar request in order to provide the requested information.
- **Request for Records:** If a law enforcement officer requests a scholar's education records, often through a subpoena, the Responsible Person must inform the officer that the School needs to first consult with the Superintendent for a legal review in order to respond to the records request appropriately. The Responsible Person can accept service of a subpoena from a law enforcement officer. The Responsible Person should not provide the requested records unless in an emergency (described below). The Responsible Person should forward the request to a Superintendent. If the Responsible Person provides a scholar's education records to law enforcement officers without parental consent, it may be a violation of FERPA.
- **Emergency Request:** The Responsible Person may disclose personally identifiable information from a scholar's education records to law enforcement without prior parental consent when the Responsible Person determines, based on the totality of the circumstances, that there is an articulable and significant threat to the health or safety of the scholar or other individuals, and that the law enforcement officer's knowledge of the information is necessary to protect against that threat. Any disclosure must be limited to the information necessary to address the emergency.
 - The Responsible Person must document the reason for any emergency disclosure in the scholar's file as required under FERPA.

Please note, the Responsible Person must not provide information to an officer or employee of an agency conducting immigration enforcement, unless permitted by JAA's AB 699 Policies.

Recordkeeping for Law Enforcement Officer Visits

The Responsible Person should document any questioning or arrest of scholars by law enforcement officers and place it in the scholar's file. The Responsible Person should record the following information at a minimum:

- Name, form of official identification (e.g., badge number), and agency/department of law enforcement officer(s).
- Arrival and departure times of the law enforcement officer(s).
- Stated reason for the visit (e.g., interview, arrest, records request, etc.)
- Whether and which school official witnessed the questioning.
- Notes taken during the scholar questioning.
- Next steps as indicated by the law enforcement agency.
- Other information the Responsible Person considers relevant.