

Preserving the Sanctity of the Learning Environment: Protecting Due Process Rights for All Students

Policy Proposal Outline for BOE Operations Working Group Meeting (2/9/2017)

Policy Components

1. Warrants

To ensure all students' due process rights are respected, it shall be the policy of the District to require any local, state and/or federal law enforcement agencies, including but not limited to the Department of Homeland Security, who seek to obtain student information, surveil, interview, detain or arrest students to submit a warrant for review to the Attorney for the Board.

2. Oversight

It shall be the policy of the District that the Attorney for the Board shall be the sole individual responsible for reviewing warrants submitted by local, state and/or federal law enforcement agencies, including but not limited to the Department of Homeland Security, to determine if they comply with state and federal law.

3. Communication with Families

If the Attorney for the Board determines that the warrant is valid, the Attorney for the Board shall immediately inform the student's parent or legal guardian about the District's determination;

Furthermore, if the student's home language is not English, the district shall inform the parent or legal guardian in the student's home language.

4. Adult Presence

It shall be the policy of the District to require a student's parent, legal guardian or attorney to be present prior to a student being asked any questions by any local, state and/or federal law enforcement officer, including but not limited to Department of Homeland Security agents; Furthermore, if the student's primary language is not English, the district shall provide interpretation services.

5. Monthly Report

The Attorney for the Board shall prepare a monthly report to the Board that documents the total number of warrants submitted by local, state and/or federal law enforcement agencies, including but not limited to the Department of Homeland Security;

The monthly report shall disaggregate the number of warrants submitted by individual law enforcement agencies. This report shall be made public on the DPS website.

6. Sharing of Confidential Student Information

All school personnel, including after school providers, vendors and service providers who contract with the District, are explicitly prohibited from sharing any student information, including but not limited to information contained in Power School or a student's cumulative

folder, unless the Attorney for the Board or the student's parent or legal guardian explicitly authorizes the disclosure.

7. Training

The District shall train all staff, including but not limited to administrators, teachers, front office and student services personnel, School Resource Officers, how to properly handle student information and follow the District's new policies;

Furthermore, the District shall include members of the Durham Association of Educators in the design and implementation of these trainings.

8. Staff Discussion of Policy

The Board affirms that District employees have the academic freedom to discuss this Policy during the school day provided it is age-appropriate; students are to be made aware that District employees are available to discuss the subjects contained in this Policy.

9. Informing Students

The District shall inform all students at least once per academic school year about their Miranda rights and other legal rights as it relates to interactions with local, state and/or federal law enforcement agencies, including but not limited to the Department of Homeland Security.