1. **Who are peace officers?**

   *Texas Code of Criminal Procedures (TCCP), Article 2.12* lists peace officers as including, but not limited to the following:

   a. Sheriffs and their deputies

   b. Constables and deputy constables

   c. Marshalls or police officers of an incorporated city, town, or village

   d. Rangers and officers commissioned by the Public Safety Commission and the Director of the Department of Public Safety

   e. **Officers commissioned under Texas Education Code (TEC) §37.081**

   f. Law enforcement agents of the Texas Alcoholic Beverage Commission

2. **What authorizes the Board to employ police officers?**

   *TEC §37.081* authorizes the District’s Board of Trustees to employ security personnel and commission police officers. It is the Board’s responsibility to determine the jurisdiction of police officers employed by the District.

3. **What is the jurisdiction of Katy ISD police officers?**

   Board policy CKE (LOCAL) specifies this jurisdiction as follows:

   “…all territory within the boundaries of the District and all property, real and personal, outside the boundaries of the District that is owned, leased, or rented by or otherwise under the District’s control.”

4. **What authority and powers do District police officers have?**

   Katy ISD police officers, by policy, have the authority to:
g. Protect the safety and welfare of any person in the jurisdiction of the District and protect the property of the District.

h. Enforce all laws, including municipal ordinances, county ordinances, and state laws, and investigate violations of law as needed. In doing so, District police officers may serve search warrants in connection with District-related investigations in compliance with the Texas Code of Criminal Procedure.

i. Arrest suspects consistent with state and federal statutory and constitutional standards governing arrests, including arrests without warrant, for offenses that occur in the officer’s presence or under the other rules set out in the Texas Code of Criminal Procedure.

j. Coordinate and cooperate with commissioned officers of all other law enforcement agencies in the enforcement of this policy as necessary.

k. Enforce District policies on District property, in school zones, at bus stops, or at District functions.

l. Investigate violations of District policy, rules, and regulations as requested by the Superintendent and participate in administrative hearings concerning the alleged violations.

m. Carry weapons as directed by the chief of police.

n. Carry out all other duties as directed by the chief of police or Superintendent.

5. **Under what authority can a police officer remove a student from school?**

*Texas Family Code §52.01(a)* states that “a child may be taken into custody” under one of the following circumstances:

a. Pursuant to an order of the juvenile court under the provisions of this subtitle;

b. Pursuant to the laws of arrest;

c. By a law-enforcement officer, including a school district peace officer commissioned under *TEC §37.081*, if there is probable cause to believe that the child has engaged in:

1) Conduct that violates a penal law of this state or a penal ordinance of any political subdivision of this state;

2) Delinquent conduct or conduct indicating a need for supervision; or

3) Conduct that violates a condition of probation imposed by the juvenile court.
TFC §52.01(c) goes on to state that a law-enforcement officer authorized to take a child into custody under items 1 and 2 above may issue a warning notice to the child in lieu of taking the child into custody if:

a. Guidelines for warning disposition have been issued by the law-enforcement agency in which the officer works;

b. The guidelines have been approved by the juvenile board of the county in which the disposition is made;

c. The disposition is authorized by the guidelines;

d. The warning notice identifies the child and describes the child’s alleged conduct;

e. A copy of the warning notice is sent to the child’s parent, guardian, or custodian as soon as practicable after disposition; and

f. A copy of the warning notice is filed with the law-enforcement agency and the office or official designated by the juvenile board.

According to TFC §52.01(d) a warning notice filed with the office or official designated by the juvenile board may be used as the basis of further action if necessary.

6. **Can a school official attempt to prevent a police officer from removing a student?**

**Texas Penal Code (TPC) §38.15** makes it clear that school employees cannot “…interrupt, disrupt, impede, or otherwise interfere…” with a police officer performing a duty or exercising authority granted the officer by law. To do so, is a criminal offense.

7. **Is a police officer allowed to interview a child at school?**

a. General

When a district administrator or police officer is investigating a crime/suspected crime that relates to the school, either one of these employees may interview the student without violating his/her rights. The Fifth Circuit, in Milligan vs. City, of Slidell, ruled that a student’s right to protection from interrogation must be balanced against the governmental interest of the school district.

b. Child Abuse/Neglect
If a police officer is investigating an allegation of child abuse or neglect, school officials may not interfere in any way with the investigation. (See TFC §261.302 and §261.303). School officials, according to an Attorney General ruling (Att’y Gen. Op DM-476[1988]), may not insist on being present during the interview.

8. **What guidelines should campuses follow when police officers or other lawful authorities want to question students?**

Board Policy GRA (LOCAL) specifies the guidelines to be followed when a police officer or other lawful authority wants to interview or question a student at school. The Policy indicates:

a. The principal shall verify and record the identity of the officer or other authority and request an explanation of the need to question or interview the student at school;

b. The principal ordinarily shall make reasonable efforts to notify the student’s parents or other person having lawful control of the student. If the interviewer raises what the principal considers to be a valid objection to the notification, parents will not be notified;

c. The principal or a designee ordinarily shall be present during the questioning or interview. If the interviewer raises what the principal considers to be a valid objection to a third party’s presence, the interview shall be conducted without that person’s presence; and

d. The police officer will be responsible for informing the student of his/her rights (Miranda Warning) when required by law. Once a police officer begins questioning a student, all responsibility for such questioning rests with the police officer.

9. **What if a police officer wants to interview a student as part of an investigation unrelated to the school?**

There is no provision in statute authorizing a police officer to interview a student on campus. A school attorney has stated:

a. School officials are **not** required to facilitate these interviews without a subpoena, court order, warrant, directive to apprehend, or unless the officer wants to take the student into custody and remove him/her from campus for questioning.
b. Absent one of these provisions, school officials should obtain written parental consent before granting such interviews. Parents have the option of:

- refusing to give consent, requesting that the interview be rescheduled until the parent can be present;
- consenting to the interview; or
- consenting to the interview, as long as an administrator is present during questioning.

Note: A school official must never interfere with an arrest. However, refusing to produce a student for questioning in a non-school related matter does not constitute interfering with an investigation.

10. **What role do district police officers play in school discipline?**

None. Police officers are not disciplinarians and should not be used as such. Their role is to investigate violations of law and ordinances in accordance with the authority and power specified in Board Policy. While police actions/classifications may result in the assignment of a disciplinary consequence, discipline is the responsibility of campus administrators.

11. **What student records can be shared with police officers?**

In general, the *Federal Education Rights and Privacy Act* (FERPA) restricts the release of student records or information to anyone, including police officers, without written parental consent [20 USC 1232g(b)(1)]. There are exceptions, however. The District may release information without parental consent if the disclosure is made:

a. In regard to a health or safety emergency [34 CFR 99.31(a)(b), 99.3, and 99.8].

b. To provide “directory information” the parent has indicated is unprotected [34 CFR 99.37].

c. To school officials with a “legitimate need to know” the information. This exception would apply to Katy ISD police officers who have a legitimate educational interest in the information.

NOTE: FERPA normally prohibits Katy ISD police officers or other employees from releasing educational information about a student to an outside police department without a parent’s consent. However, the District is allowed to share a student’s educational records with a juvenile justice agency with which it has an interlocal agreement. “Law enforcement records” are not
protected under FERPA (34 CFR 99.3, 99.8). Therefore, parent consent is not required in order for these records to be shared.

d. To comply with a court order or lawfully issued subpoena [34 CFR 99.31(a)(9)].

NOTE: Prior to releasing educational records pursuant to a subpoena, the school must provide parents with written notice of its intent to comply with the subpoena. The District’s attorneys recommend that district officials wait 2 – 5 business days before releasing the records. This will allow the parent time to seek a court order to prevent the release of records if they choose to do so.

An arrest warrant does not equate to authorization to release records.

e. To comply with a state statute related to the juvenile justice system (TEC §37.084 and TFC §58.0051).

12. Are school security videotapes subject to FERPA?

Yes and No. Security tapes are considered “educational records” under FERPA; however, in discipline situations, the parents of students involved in a disciplinary offense are allowed to view the tape regarding the incident in question. Parents may not, however, be given a copy of the tape without obtaining written consent from a parent of any other student(s) involved in the incident. It is not necessary to obtain permission from the parents of students who appear in the background of the recording before releasing the tape.

13. When should administrators call police?

Administrators should call police:

a. Anytime they suspect a crime has been committed.

b. Anytime there is an illegal substance or weapon of any type.

c. Anytime assistance is needed in properly classifying an infraction that may constitute a mandatory removal to a DAEP or JJAEP.