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To: PXU Principals

From: Eileen D. Fernandez, General Counsel

CC: Thea L. Andrade, Superintendent & Executive Team Members

Date: January 16, 2025

RE: Guidelines on Visitations, Interviews, and Requests for Records by  
Government Officials and Non-Parents/Guardians

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The following are guidelines to follow regarding what to do when law enforcement, Department of Child Safety (“DCS”), government officials, private attorneys/investigators or non-parent/non-legal guardians appear at your school to review records, interview students or take students or staff into custody.

As the principal, you are the person in charge of ensuring Governing Board Policies are properly implemented at your school. Governing Board Regulation, CCB-R reads in part, “A principal, as the educational leader of the school, will administer and supervise the school in accordance with policies and regulations of the District.” As such, your staff should be advised, *via a written document*, that only you or your designated representative are authorized to speak or act on behalf of the school when interacting with law enforcement, DCS, government officials, private attorneys/investigators or non-parent/non-legal custodians.

Attorneys/investigators or non-parent/non-legal guardians are to be provided with no information, records or access to any student without appropriate documentation that authorizes PXU, specifically to release information or records. You may refer this group of individuals to the Legal Services Department should you or they have any further questions.

## I. Release of Student Records

Pursuant to the Family Educational Rights and Privacy Act (“FERPA”), student records are generally confidential. In addition, FERPA includes a provision which states a school district’s governing board may establish what information they will designate as directory information. Directory information is information that can be provided without the prior written consent of the parent/guardian or student, if the student is 18 years old or older.

Governing Board Regulation, JR-R, Student Records (“Regulation”), contains provisions regarding the release of student records. This Regulation specifies

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the information that the PXU Governing Board has designated as directory information. The Regulation designates only the following as directory information: a) the student's name; b) the student's major field of study; c) the student's participation in officially recognized activities and sports; d) the student's weight and height if a member of an athletic team; and e) the student's honors and awards received. Please note, parents may opt out of allowing school districts to release directory information so prior to releasing this information, it is important to confirm whether the parent has opted out of allowing PXU to release directory information about their student.

Any information requested by a third party, including law enforcement, that falls outside of these categories is not permitted by the Regulation and therefore, may not be released without appropriate documentation. Documentation required would include a signed authorization to release records by the impacted student's parent/guardian or the student if the student is 18 years old or older, a subpoena, or a court order. If you receive any of these requests, please scan the paperwork presented and send it to me at [EFernandez@Phoenixunion.org](mailto:EFernandez@Phoenixunion.org) and copy Brianna Lopez at [BLopez2@Phoenixunion.org](mailto:BLopez2@Phoenixunion.org). Please ask the party making the request to wait until Legal Services has had an opportunity to review the paperwork for further direction. We will endeavor to prioritize all these requests and respond to you as soon as possible. There may be additional notifications that we are required to send the impacted student or their family prior to providing a third party with student information.

## II. Student Interviews/Interrogations by Law Enforcement

PXU Governing Board Policy JIH, Student Interrogations, Searches, and Arrests ("Policy") contains the standards for interviews of students by law enforcement or DCS at PXU campuses. To the extent possible, law enforcement should not interview students on campus for non-campus related incidents, except in cases of abuse and/or abandonment.

A student's parent/guardian should be contacted prior to permitting a law enforcement officer to interview a student. The parent/guardian should be asked if they consent to their student being interviewed by the law enforcement officer and if they wish to be present during the interview. The parent/guardian may authorize a school administrator to be present during the interview if they agree to allow the interview and cannot be present.

If a law enforcement officer wishes you not to contact the parent/guardian prior to the interview, the law enforcement officer should sign the attached form indicating they have instructed you not to contact the parent prior to the interview.

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You should verify if a student has been identified as an ESS student prior to allowing anyone to interview them. If you are aware that the student being interviewed has been identified as an ESS student having exceptionality in any of the following areas: behavior, communication, intellectual, physical, emotional, or multiple, you should inform police of additional considerations to be taken into account when interacting with such students. Every attempt should be made to provide specialized support/resources, as needed, for the student during the interview.

When interviews are conducted by DCS, the parent/guardian does not need to be contacted and/or prior authorization is not required. You should consult with DCS prior to contacting the parent/guardian in these circumstances.

You may also give a copy of this memo to any individual identified herein, including anyone who has been denied access to records or a student.

If you have any questions regarding this memo or should any questions arise while implementing the same, please do not hesitate to contact me at (602) 764-1543. Thank you in advance for your cooperation with handling these delicate issues.