

LAW ENFORCEMENT AND DEPARTMENT OF SOCIAL SERVICE STUDENT INTERVIEW POLICY

When students are at school or involved in a school activity off school ground, the school has an obligation to the students and their parents, and also an obligation to authorities such as law enforcement and the Department of Social Services. This policy balances the rights of students and parents with the rights and responsibilities of law enforcement and the Department of Social Services as those entities investigate juvenile delinquency/criminal matters and matters related to suspected child abuse and neglect. It is therefore the policy of the District that:

1. should a law enforcement officer wish to talk with a student under the age of 18* while the student is at school or at a school activity and interview the student for a reason other than investigating suspected child abuse or neglect, the District will not grant permission for the law enforcement officer to talk with the student unless the school has first notified the student's parent(s)/guardian(s) and received permission from a parent/guardian for the student to talk with the law enforcement officer. Parents/guardians have the right to deny the request from law enforcement to talk with the student. Parents/guardians shall also be afforded the opportunity to be present during the interview should permission be granted by parent/guardian for a law enforcement officer to talk with the student. However, should the law enforcement officer order school personnel to present the student so the officer may talk to the student, after documenting the law officers order to present the student, the school personnel shall comply with the officer's order and an administrator shall then immediately contact the student's parent.
2. should the Department of Social Services (DSS) or a law enforcement officer be investigating suspected child abuse or neglect and wish to talk with a student under the age of 18* while the student is at school, the request to talk with a student shall be documented by the school administrator, including the name of the person making the request, date of request, date of interview, and that the request is made for the reason of investigating suspected child abuse or neglect. The law in South Dakota requires investigation of suspected child abuse to be kept confidential and can be done without notification to parents. Therefore, the school will not notify parents of a request by the Department of Social Services or law enforcement to talk with a student in such instances.

* Upon the student reaching the age of 18, the student is a legal adult and has the authority to make the decision whether or not to talk with the law enforcement officer or DSS and without parental involvement. However, the student shall be afforded the opportunity to contact his/her parents for advice before responding to a request by the authorities to meet with and talk to law enforcement and/or the Department of Social Services.

Adopted: July 11, 2022