

1 **5022**  
2 **Investigations, Arrests,**  
3 **and Other Student Contact by Law Enforcement and Health and Human**  
4 **Services**  
5

6 The school district and its administrators and staff desire to maintain a  
7 positive working relationship with law enforcement officers and other  
8 representatives of governmental bodies in the discharge of their duties.  
9 However, this desire must be balanced against other equally important  
10 factors such as a student's legal rights, ensuring that a student's time spent  
11 in school is for education, and acknowledging that the school stands in loco  
12 parentis to the students.

13  
14 "Law enforcement officer" means police officers, county sheriffs, state  
15 patrolmen, Health and Human Service workers, Child Protective Services  
16 workers, Office of Juvenile Services workers, probation officers, U.S.  
17 Immigration and Customs Enforcement (ICE) agents, Federal Bureau of  
18 Investigations agents, or any other government investigatory workers.

19  
20 "Parent" means the biological or adoptive mother or father, guardian,  
21 responsible relative, or any other person who has claimed legal or actual  
22 charge or control of the student pursuant to Nebraska law or Title 92  
23 Nebraska Administrative Code Chapter 19.

24  
25 Law enforcement officers are encouraged whenever possible to talk to a  
26 student away from the school before or after school hours so as to cause as  
27 little disruption as possible to the student's education.

28  
29 Law enforcement officers may be called to the school at the request of school  
30 administration, or may initiate contact with the school for their own purposes.  
31 Contact between the school and law enforcement authorities on matters involving  
32 students shall be made through the office of the superintendent or principal and  
33 the law enforcement officer.

34 All reasonable attempts should be made to avoid embarrassing the student  
35 before his or her teachers and peers, and to avoid disrupting the student's and  
36 school's education program. Any questioning by law enforcement officers that is  
37 permitted should be conducted in a private room or area where confidentiality  
38 can be maintained. This should be an area removed from observation by or  
39 contact with other pupils and school personnel.

40 School staff shall promptly notify the superintendent when a student is  
41 questioned, arrested, or removed from school grounds by law enforcement  
42 officers.

### 43 **School Related Criminal Activity**

44 This section applies to alleged or suspected criminal activity that occurs on  
45 school grounds; in a vehicle owned, leased, or contracted by a school being  
46 used for a school purpose or in a vehicle being driven for a school purpose  
47 by a school employee or by his or her designee; or at a school-sponsored  
48 activity or athletic event.

49  
50 Law enforcement officers will be allowed to contact and question students at  
51 school regarding school related criminal activity as provided below.

52  
53 The building principal must be notified before a student may be questioned  
54 in school or taken from a classroom by law enforcement. The building  
55 principal should request identification of the officers, their affiliation with the  
56 identified law enforcement agency, and whether their purpose is to  
57 interview, interrogate, or take custody of the student.

58  
59 The building principal will make reasonable attempts to contact a student's  
60 parent for their consent and/or presence before the student is interviewed.  
61 In the event that a parent cannot be contacted after reasonable attempts,  
62 the student will be questioned only if the law enforcement officer identifies  
63 emergency circumstances requiring immediate questioning. A building  
64 principal or designee shall be present for such questioning. The student will  
65 be brought to a private room and the contact will be made out of sight of  
66 others as much as practicable.

67  
68 If the student is suspected of criminal activity, it is the responsibility of the  
69 law enforcement officer to advise a student of his or her rights against self-  
70 incrimination.

71  
72 The building principal shall document steps taken to notify parents,  
73 summarize the law enforcement activities, identify the actions taken by the  
74 District on behalf of the student, and any further contacts with law  
75 enforcement officer.

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82 **Non-School Related Criminal Activity**

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84 Law enforcement officials may not question students at school unless  
85 parental consent is obtained or the law enforcement authorities have a  
86 warrant or court order.

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89 **Taking a Student into Custody**

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91 Law enforcement officers seeking custody of a student must contact the  
92 superintendent or building principal. The principal will request the arresting  
93 law enforcement officer to provide a copy of the arrest warrant, written  
94 parental consent, court order, or other document giving authority to take the  
95 student into legal custody. If there is no document presented, the principal  
96 should obtain the officer's name, badge number identifying the law  
97 enforcement agency, date, time, the reason for the arrest, and the place to  
98 which the student is reportedly being taken. Whenever practicable, the  
99 arrest or release of the student should be conducted in a location and in a  
100 manner that minimizes observation by others.

101  
102 When a law enforcement officer removes a student from the school, the  
103 building principal will take immediate steps to notify the parent about the  
104 student's removal and the place to which the minor is reportedly being  
105 taken, except when a minor has been taken into custody as a victim of  
106 suspected child abuse.

107  
108 **Child Abuse and Neglect**

109  
110 When law enforcement officers seek to investigate reports of alleged child  
111 neglect or abuse regarding a student, the building principal shall obtain a  
112 proper identification from the authorities or officials. If a student interview  
113 is conducted on school grounds, the building principal or designee and such  
114 other school personnel as appropriate shall observe the interview.

115  
116 If the law enforcement officer decides to remove the student from school,  
117 school officials shall provide the law enforcement authorities with the  
118 address and telephone number of the student's parent or guardian. The  
119 principal or other school official shall, as a condition of releasing the student  
120 to the law enforcement officer, require the officer to sign a statement  
121 certifying that the child is being removed from school premises because he  
122 or she is believed to be the victim of child abuse and that the officer

123 understands and will comply with the legal requirements of NEB. REV. STAT. §  
124 79-294.

125

126 **Student Records**

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128 Student records will be shared with law enforcement officers only as allowed  
129 by state and federal law.

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132 Adopted on: March 13, 2007

133 Revised on: February 13, 2018; July 10, 2019

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135 2018; July 10, 2019