

Section: **STUDENTS**

Procedure Title: **Interviews and Interrogations of Students on School Premises**

The district encourages interviews and interrogations of students to take place off school premises in order to minimize interruption to the instructional program. When an onsite interview/interrogation is warranted by the circumstances of the case, the following protocols will be used:

A. Protocol for Law Enforcement and/or Department of Social and Health Services (DSHS) Interviews in Child Abuse or Neglect Investigations

In conducting an investigation of alleged child abuse or neglect, law enforcement or DSHS (for purposes of this section, "the interviewer") may interview students at school. School personnel will not make a student available for an investigative interview unless the student gives consent, as described below. In these interviews, the following protocol will be used:

1. Upon entering a school building, the interviewer will contact the principal or his/her designee. If there is no principal or designee available, building staff will make contact with a district office administrator before allowing an interview to take place
2. The interviewer may request and be granted such student information as address, telephone number, parents' /guardians' names, date of birth and other directory information, if the parent or student over 18 years of age has not filed a written objection to the release of directory information. Student records protected by the federal Family Educational Rights and Privacy Act (FERPA) may only be examined or released:
 - A. Following written permission of a minor student's parent/guardian;
 - B. Following written permission of an adult student
 - C. Pursuant to a court order or subpoena;
 - D. In response to a health or safety emergency; or
 - E. In order to better serve the student in the juvenile justice system prior to adjudication.
3. The interviewer, in the presence of the principal or his/her designee, will first obtain the student's consent to be interviewed. If the student does not consent to be interviewed, the principal or his/her designee will request that the interviewer cease communicating with the student and the interview will not take place on school premises, unless the interviewer has determined that exigent circumstances exist to conduct the interview, or has a warrant authorizing the interview.

4. If the interviewer indicates to the principal or his/her designee that the parent or guardian is suspected of child abuse or neglect of the student, parent/guardian notification will not be required.
5. If the parent or guardian is not suspected of child abuse or neglect of the student, parental notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. The interviewer must recognize the potential time delay between parent/guardian contact and their arrival at school before beginning the interview.
6. If the interviewer is unable to contact parent(s)/guardian(s) or a designated adult after a reasonable time, the interviewer may proceed with the interview if the student consents or when, in the judgment of the interviewer, an emergency exists and further delay would impair the handling of that emergency.
7. Prior to commencing the interview, the interviewer will, in the presence of the principal or designee, determine whether a student wishes an adult third party to be present for the interview and, if so, will make reasonable efforts to accommodate the student's wishes unless, in the opinion of the interviewer, the presence of the third party would jeopardize the course of the investigation.
8. If the student elects to have an adult third party present in the interview, the principal or designee will, prior to the interview, inform the third party of their role as an observer in the process. The principal or designee will instruct the third party not to speak to, coach, or provide non-verbal cues to the student or the interviewer or otherwise interfere with the questioning of the student. The third party will also be instructed as to his/her duty to keep all aspects of the interview confidential.
9. If a student has an aide as part of his/her IEP or Section 504 plan and requests that a third party be included in an interview, the interview may include the third party in addition to the student's aide.
10. Any school employee requested by a student to attend an interview may opt out of attending. This refusal may not serve as grounds for discharge, non-renewal of an employment contract, or other action adversely affecting the employee's contract status. The student will be requested to choose another third party. In the event no school employees or other third party wishes to participate, the principal or designee will attend the interview.
11. If a third party present during the student interview believes that the student is being intimidated, threatened or coerced during questioning, that the student is unaware that he or she is free to leave the interview at any time, or that the student is in physical or emotional distress, he or she may request that a break be taken. During the break, the student will be excused while the third party shares his/her concerns with the interviewer and the principal (or his/her

- designee). Based on this information, the principal or designee will determine whether to request that the interviewer continue, temporarily suspend or terminate the interview.
12. At a minimum, the school's record of the interview will document the date, time, place, and length of the interview; the student name and consent to be interviewed, the interviewing officer; and any third or additional parties present. A KSD Interview Documentation Form will be used to record this information. A copy will be sent to the Student Service Department to be archived.
 13. A DSHS interviewer is required to have:
 - a. A court order;
 - b. A Voluntary Placement Agreement; or
 - c. A law enforcement exercise of custody and transfer of custody to DSHS in order for the school to release custody of the student.

However, if the DSHS interviewer is accompanied by law enforcement, no warrant will be required. Law enforcement may, independent of DSHS, take custody of the student.

14. Law enforcement is not required to have a warrant in order for the school to release the student into custody. In the event a student is taken into custody by law enforcement, the school will immediately notify the parent or guardian unless:
 - a. Directed not to do so by law enforcement because a case of child abuse or neglect is alleged against the parent/guardian; or
 - b. Some other similar, specified reason exists for prohibiting notificationsSchool authorities may request that this denial and the reasons for it be put in writing.

B. Protocol for Law Enforcement Interviews/Interrogations not involving Child Abuse or Neglect Investigations

1. Law enforcement officials approaching the schools are encouraged to:
 - a. Whenever possible arrangements to visit a school for any purpose should be made with the school administrator in advance of the visit.
 - b. Upon arrival at the school, report to the school administration.
 - c. If officer wishes to see a student, the student should be summoned or brought to a designated room by school personnel.
2. Law enforcement officials requesting information from school officials:

- a. Where "classified " information is concerned (psychological test scores and reports, medical records, etc.), release should be authorized by written permission of the parent(s)/ guardian(s). Law enforcement may request and be granted such student information as address, telephone number, parents' names, date of birth and other directory information, if the parent or student over 18 years of age has not filed a written objection to the release of directory information. Student records protected by the federal Family Educational Rights and Privacy Act may only be examined or released:
 - 1) Following written permission of a minor student's parent/guardian;
 - 2) Following permission by an adult student; or
 - 3) Pursuant to a court order or subpoena; or
 - 4) In response to a health or safety emergency; or
 - 5) In order to better serve the student in the juvenile justice system prior to adjudication.
 - b. Where interviews with school staff are necessary, such interviews should be arranged through the school administration.
3. Law enforcement officials interviews with students:
- a. Interviews with students should be conducted at the school only when it is impractical or unreasonable to conduct the interview at the student's home or at the enforcement agency headquarters.
4. Interrogation of students by law enforcement officials:
- a. Interrogation of students should be conducted at the school only when it is impractical or unreasonable to conduct the interrogation at the student's home or at the enforcement agency headquarters.
 - b. The student should be informed of his/her rights prior to the interrogation.
 - c. A school official, preferably an administrator, may be present during interrogation.
 - d. The parent(s)/ guardian(s) should be contacted by the agency following the interrogation to inform them that an interrogation was conducted and to explain its purpose and results.
5. Arresting students on school premises by law enforcement officials:
- a. The school administration should be informed before a student is taken from school.

- b. Proper arrest procedures should be followed.
- c. Parent(s)/guardian(s) should be notified that their child will be taken into custody by law enforcement official. Details of the arrest should be made available to the parent(s)/guardian(s).
- d. Arrest should be made with as little physical contact and commotion as possible, and with courtesy and respect to the student.

C. Protocol for Interviews by Health Department in Communicable Disease Investigations:

- 1. A health department official will contact the principal or his/her designee upon entering a school building.
- 2. A health department official may request and be granted such student information as address, telephone number, parents' names, date of birth and other directory information, if the parent or student over 18 years of age has not filed a written objection to the release of directory information. Student records protected by the federal Family Educational Rights and Privacy Act (FERPA) may only be examined or released:
 - a. Following written permission of a minor student's parent/guardian;
 - b. Following permission by an adult student;
 - c. Pursuant to a court order or subpoena; or
 - d. In response to a health or safety emergency; or
 - e. In order to better serve the student in the juvenile justice system prior to adjudication.
- 3. The principal and his/her designee will permit a health official to conduct a confidential interview during school hours with a student suspected of being in contact with an individual infected with a communicable disease if the principal chooses not to release the student to travel to the health department.

Cross References:	Policy 3231	Student Records
	Policy 3432	Emergencies
	Policy 3414	Infectious Diseases

Legal Reference:	RCW 26.44.030	Interviews of children
	RCW 26.44.050	Abuse or neglect of child – Duty of law enforcement agency or department of social and health services – taking child into custody without court order, when.
	RCW26.44.110	Written statement required.
	RCW 26.44.115	Notice required

RCW 2A635.020 Wilfully disobeying school administrative personnel or refusing to leave public property, violations, when - Penalty

Management Resources:

Policy News, July 2013

New interviews/interrogations of students on school premises policy

Policy News, February 1998

FERPA limits student records access

Policy News, April 2001

Compliance Office Provides FERPA Update

Adopted: January 27, 2014