

Book	Policy Manual
Section	Policies for Board 33-1
Title	Vol. 33, No. 1 - September 2018 Revised INTERROGATION OF STUDENTS
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5540 - INTERROGATION OF STUDENTS

[X] The Board of Education is committed to protecting students from harm that may or may not be directly associated with the school environment but also recognizes its responsibility to cooperate with law enforcement and public children's services agencies.

When law enforcement or other authorities arrive at the school and wish to interview a student or investigate an alleged violation of law, they must contact the building administrator indicating the nature of their investigation and their desire to question a student or students.

Investigation of Child Abuse/Neglect Under the Child Protection Act by a Public Children's Services Agency or Law Enforcement Agency

Every Board official and employee who, in connection with his/her position, knows of or suspects child abuse or neglect must immediately report that knowledge or suspicion to a public children's services or law enforcement agency in accordance with Board Policy 8462.

An official of a public children's services agency or law enforcement agency may interview a student on school property during school hours in order to investigate a claim of child abuse/neglect involving such student or a member of the student's family. If neither the student nor a member of his/her family is the subject of the child abuse/neglect investigation, such agency shall be encouraged to contact the student during non-school hours and investigate the matter off school property, if at all possible.

~~The building administrator shall attempt to contact the parent prior to questioning, unless the investigator specifically requests that s/he not make such contact due to potential impact on the investigation.~~ The building administrator shall ask the investigator whether s/he may contact the parents prior to the interview and document the response. Unless the investigator specifically requests that s/he not contact the parents, the building administrator shall attempt to contact the parents prior to questioning.

[X] The building administrator or designated guidance counselor will remain in the room during questioning of the student unless prohibited by the agency investigator.

Investigations of Violations of Law by Law Enforcement Agencies

Law enforcement agencies investigating complaints other than under the Child Protection Act should contact a student during non- school hours and investigate alleged violations of the law off school property if at all possible. An investigation can take place immediately on school property during school hours at the request of the building administrator if the alleged violation of law took place on school property, involves other situations affecting school safety or in emergency situations.

Before the student(s) is (are) questioned as a witness to or suspect in an alleged violation of law, the building administrator shall attempt to contact the parent prior to questioning and shall remain in the room during the questioning unless compelling reasons for exclusion are provided by the law enforcement agency.

[X] In those circumstances when an interrogation may expose a student to criminal charges, the building principal should also attempt to verify with the officer/investigator that the student(s) has been or will be informed of his/her right to refuse to answer questions, to be informed that anything s/he says may be used against him/her in court, and to consult with and be advised by legal counsel.

Notification and Release of Records

Attempts to notify the parents regarding investigations of child abuse/neglect and other law enforcement investigations shall be documented.

When an authorized law enforcement officer or the State's children's service agency removes a student, the building administrator shall also notify the parent(s) and the Superintendent.

No school official may release personally identifiable student information in education records to the police or the State's children's services agency without prior written permission of the parent, a lawfully-issued subpoena, a court order or a health or safety emergency. (See Board Policy 8330).

~~[] This policy shall be distributed annually to State's children's service Agency and Local and State Law Enforcement Agencies that service the District.~~

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Legal

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Attorney General's Opinion No. 6869, September 6, 1995

34 C.F.R. 99.36