

Section 8000 – Students

8140-R Interrogation and Investigations Conducted in School

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In these rules, the administration is reminded that a student who has attained the age of 18 enjoys the responsibility of speaking for him/herself without the agreement of the parent(s)/guardian(s), or representative as to whether or not he/she will submit to questioning.

Initiated by School Administrators and Conducted by Administrators

Building Principals shall have the authority and duty to conduct investigations and to question students pertaining to infractions of school rules, whether or not the alleged conduct is a violation of criminal law. Such investigations shall be conducted in a manner, which does not interfere with school activities.

Initiated by School Administrators and Conducted by Law Enforcement Officers

The building Principal shall determine when the necessity exists that law enforcement officers be asked to conduct an investigation of alleged criminal behavior which jeopardizes the safety of other people or school property or which interferes with the operation of the schools.

The building Principal may request that law enforcement officers conduct an investigation and question students who are potential witnesses of such alleged criminal behavior during school hours. A reasonable attempt shall be made to contact the student's parent(s)/guardian(s), or representative prior to questioning by law enforcement officers. Reasonable requests of the parent(s)/guardian(s), or representative shall be observed. The administrator involved shall document such notifications or attempted notifications to parent(s)/guardian(s) or representative. In the absence of a student's parent(s)/guardian(s), or representative during any questioning of such students, the Principal or a designated school staff person shall be present as may be allowed by law. If the investigation has centered on any particular student suspected of any alleged criminal activity, the procedure for taking students into custody by the procedure set forth below shall be followed to the extent that it does not interfere with reasonable law enforcement procedures.

Initiated and Conducted by Law Enforcement Officers

Although cooperation with law enforcement officers will be maintained, it is the preference of the District that it will not normally be necessary for law enforcement

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officers to initiate, and conduct any investigation and interrogation on the school premises, during school hours, pertaining to criminal activities unrelated to the operation of the school. It is preferred that only in demonstrated emergencies, when law enforcement officers find it necessary, will they conduct such an investigation during school hours. These circumstances might be limited to those in which delay might result in danger to any person, flight of a person reasonably suspected of a crime from the jurisdiction or local authorities, destruction of evidence, or continued criminal behavior. No school official, however, should ever place him/herself in the position of interfering with a law enforcement official in the performance of his or her duties as an officer of the law.

If the law enforcement officials are not recognized and/or are lacking a warrant or court order, the building Principal shall require proper identification of such officials and the reason(s) for the visit to the school. If the Principal is not satisfied, he/she shall attempt to notify the Superintendent and the officers' superior, documenting such action. In all cases, the officers shall be requested to obtain prior approval of the Principal or other designated person before beginning such an investigation on school premises. The administrator shall document the circumstances of such investigations as soon as practical. Alleged criminal behavior related to the school environment brought to the Principal's attention by law enforcement officers shall be dealt with under the provisions of the two previous sections.

Interrogation of Student during Investigation of Violations of School Rules

In instances where school rules have allegedly been violated, the Principal may notify the suspected rule violator(s) or potential witness(es) to the infraction.

When suspension or expulsion may be a consideration, the suspect student shall be advised orally or in writing of the nature of the alleged offense and of the evidence, if any, against the student.

In questioning a potential student witness to an alleged disciplinary infraction, care should be taken by the administrator to ensure there is a reasonable likelihood that the student was indeed a witness. School officials should not engage in detailed questioning of students at random without reasonable cause in hope of gathering information as to school misconduct. Probable witnesses should be told the nature of the

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alleged misconduct and the reason to believe that they were witnesses. Such students should be given the opportunity to give their consent before answering questions of school officials.

Circumstances may arise where it would be advisable to have another adult present during questioning of students.

Violations of Criminal Law

During an investigation of violation of school rules, it may come to the attention of an administrator that the investigated activity may also be a violation of criminal law. In proceeding with the investigation, the Principal shall attempt to ascertain whether there is sufficient justification to believe that a criminal offense was committed that warrants notifying law enforcement officials.

When a suspected violation of criminal law has occurred on the school grounds involving the operation of the school or a school-sponsored activity, law enforcement officials may be notified and their presence requested for the questioning of suspected students. If such officials are notified, unless circumstances dictate otherwise, questioning of the student shall not begin or continue until the law enforcement officers arrive.

Reasonable attempts shall be made to contact a student's parent(s)/ guardian(s), or representative who, unless an emergency exists, shall be given the opportunity to confer with the student and to be present with the student during such questioning. The administrator shall document the notification or attempted notification to the student's parent(s)/guardian(s), or representative.

In the absence of parent(s)/guardian(s) and student consent, it is the preference of the District that law enforcement officers on school premises shall not question a student. The law enforcement officers shall be asked to advise the student of his/her legal rights. If the parent(s)/guardian(s) or student refuses consent to the questioning, the law enforcement officer(s) will determine the course of action to be pursued.

Information of criminal conduct not related to the schools shall be turned over to law enforcement officials, without additional investigation by school officials.

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Taking a Student into Custody

School officials shall not release students to law enforcement authorities voluntarily unless the student has been placed under arrest or unless the parent(s)/guardian(s) or representative and the student agree to the release.

When students are removed from school for any reason by law enforcement authorities, every reasonable effort will be made to notify the student's parent(s)/guardian(s), or representative immediately. Such effort shall be documented.

Whenever an attempt to remove a student from school occurs without an arrest warrant, court order, or without acquiescence of the parent(s)/guardian(s)/ representative, or the student, the administrator shall immediately notify a superior of the law enforcement officers involved to make objection to the removal of the student and shall attempt to notify the parent(s)/guardian(s) of the student. The Superintendent's office shall be notified immediately of any removal of a student from school by law enforcement officers under any circumstances.

The building Principal shall make reasonable efforts to persuade law enforcement officers not to make arrests or to take students into custody on school premises. Whenever the need arises to make arrests or take students into custody on school premises, the Principal shall make reasonable efforts to persuade the law enforcement officers to utilize a non-uniformed officer in making the arrest.

When it is necessary to take a student into custody on school premises and time permits, the law enforcement officer shall be requested to notify the building Principal and relate the circumstances necessitating such action. When possible, the Principal shall have the student summoned to the Principal's office where the student may be taken into custody.

When an emergency exists, the Principal may summon law enforcement officials to the school to take a student into custody.

When a student has been taken into custody or arrested on school premises without prior notification to the building Principal, the school staff present shall encourage the law enforcement officers to notify the Principal of the circumstances as quickly as possible. In the event that the officers decline to notify the Principal, the

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school staff members present shall immediately notify the Principal or the Superintendent.

If possible, the parent(s)/guardian(s), or representative of the student shall be notified by the Principal or other school administrator before the student is taken into custody by law enforcement officers or as quickly thereafter as possible. The administrator shall document such notification or attempted notification.

Disturbance of School Environment (Cf. 9290)

Law enforcement officers may be requested to assist in controlling disturbances of the school environment which the building Principal or other school administrator has found to be unmanageable by school personnel and which disturbances have the potential of causing harm to students, other persons, or school property.

Such potential of possible disturbance includes members of the public who have exhibited undesirable or illegal conduct on school premises or at a school event held on school property, and who have been requested to leave by an administrator, but have failed or refused to do so.

Coordination of Policies by Enforcement Officials

School administrators shall meet at least annually with local law enforcement officials to discuss the District's policy and rules regarding law enforcement contacts with the District. Law enforcement officials will be asked to instruct their staffs as to the terms of the school's policies and rules.

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