THORP SCHOOL DISTRICT
ADMINISTRATIVE PROCEDURE TO BOARD POLICY

No. 3226P

3000 STUDENTS

3226P 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:

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

1. 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:
2. Upon entering a school building, the interviewer will contact the principal or his/her designee.
3. 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: 1) following written permission of a minor student's parent; 2) following written permission of an adult student; 3) pursuant to a court order or subpoena; 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.
4. 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.
5. 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.
6. 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.

7. 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 judgement of the interviewer, an emergency exists and further delay would impair the handling of that emergency.
8. 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.
9. 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.
10. 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.
11. 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.
12. 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.
13. At a minimum, the school's record of the interview/interrogation 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.
14. A DSHS interviewer is required to have 1) a court order; 2) a Voluntary Placement Agreement; or 3) 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.
15. 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: 1) directed not to do so by law enforcement because a case of child abuse or neglect is alleged against the parent/guardian, or 2) some other similar, specified reason exists for prohibiting notification. School authorities may request that this denial and the reasons for it be put in writing.

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

1. Law enforcement will contact the principal or his/her designee upon entering a school building.

2. 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; 2) following permission by an adult student; 3) pursuant to a court order or subpoena; 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.
3. If the student is under twelve (12) years of age, parent(s)/guardian(s) or designated adult notification and permission is required before any interview/interrogation will take place unless the law enforcement official has a warrant or a court order or the official stipulates that exigent circumstances exist.
4. If the student is twelve (12) years of age and over, the principal or designee will make a reasonable effort to contact the parent(s)/ guardian(s) prior to the interview or as soon as possible thereafter. If the parent/guardian cannot be contacted, the principal or designee will contact the designated adult noted on the student's emergency contact card for their consent. Parent contact will not be required where the law enforcement indicates that child abuse or neglect is alleged.
5. Law enforcement personnel must recognize the potential time delay for the parent(s)/guardian(s) to be contacted and a reasonable time for the parent(s)/guardian(s) to arrive at the school.
6. If unable to contact parent(s)/guardian(s) or a designated adult after a reasonable time, law enforcement may nevertheless proceed with the interview/interrogation if the student consents or when, in the judgement of the officer, an emergency exists and further delay would impair the handling of that emergency. The officer will advise and afford a student all legal rights required by law.
7. 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: 1) prohibited by law enforcement because a case of child abuse or neglect is involved, or 2) some other similar, specified reason exists for prohibiting notification. School authorities will request that this denial and the reasons for it be put in writing.
8. If a court has released a student on conditions related to school, including attendance, behavior or progress, the administration will encourage the court to include as a condition of release the written permission of the adult student or parent of a minor student to release the student's records to the court or its designee.

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: 1) following written permission of a minor student's parent; 2) following permission by an adult student; 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.
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.