

## **Student Interviews, Questioning or Arrests**

### Interviews by School Administrators (Student Victims/Witnesses)

When a violation of board policy or school rule occurs, the school principal or designee may question a potential student victim or students who may have relevant information without prior consent of the parent, guardian or legal custodian. Another adult should be present during the questioning of students.

### Questioning by School Administrators (Student Suspect)

In situations where a student is suspected of violating board policy or school rule, the principal or designee may question the suspected student without the prior consent of the student's parent, guardian, or legal custodian. The school official must first have reasonable grounds, however, to suspect that the student committed such a violation. The nature and extent of the questioning must be reasonably related to the objectives of the questioning. The student will be afforded the opportunity to present his or her side of the story, orally or in writing.

### Interviews and Questioning by Law Enforcement Officials (School-Related Violation)

District personnel are not responsible for a police officer's compliance with the law. If a parent or student refuses to consent to police questioning, it is the law enforcement officer's responsibility to respond appropriately to such refusal.

School discipline investigations conducted by school administrators and criminal investigations conducted by law enforcement officers shall be conducted in a parallel manner rather than as a joint investigation. Therefore, a school discipline investigation need not stop as soon as the school administrator believes that a crime has been committed. The results of the parallel investigations may be shared among school officials and the police.

### Interviews and Questioning by Law Enforcement Officers (Non-School-Related Violation)

The District strives to maintain cooperative working relations between law enforcement, child protective and school authorities. Law enforcement officers may wish to interview students regarding their knowledge of suspected criminal activity and may wish to question students who are themselves suspected of engaging in criminal activity. Except when law enforcement officers have a warrant or other court order, or when an emergency or other exigent circumstances exist, such interviews and questioning are discouraged during the student's class time. The principal and principal's designee have the right and the obligation to take reasonable steps to prevent disruption of school operations and the educational process while at the same time cooperating with law enforcement efforts. Accordingly, the principal or designee shall work together with law enforcement officers to coordinate efforts and minimize or prevent such disruption in cases of student interviews and questioning. In the event of disagreement, the principal or designee shall immediately contact the area administrator or district legal counsel for assistance.

Before any student interview or questioning begins regarding suspected criminal activity, the principal or designee shall ascertain that the law enforcement officer has proper identification evidencing affiliation with an identified law enforcement agency. The principal or designee shall request that all procedural safeguards prescribed by law are observed by the law enforcement officers when interviewing student witnesses or questioning student suspects. **In cases involving investigation of reported child abuse of a student where the suspected perpetrator is a member of the student's family, such parent/guardian contact would not be warranted. The Idaho Department of Health and Welfare or law enforcement may exclude school personnel from any child abuse investigations/interviews and may use a school building to conduct the interview.**

Cross Reference:     4400   Relations with Law Enforcement and Child Protective Agencies  
                          4410   Investigations and Arrests by Police  
                          5260   Abused and Neglected Child Reporting

Legal Reference:     I.C. § 6-904(1)   Exceptions to Governmental Liability  
                          I.C. § 16-1605   Reporting of abuse, abandonment or neglect  
                          I.C. § 16-1606   Immunity  
                          I.C. § 16-1607   Reporting in bad faith—Civil Penalties  
                          I.C. § 16-1631   Authorization for Department to Act  
                          I.C. § 20-516    Apprehension and Release of Juvenile—Detention  
                          Idaho Attorney General Opinion 93-2

Policy History:

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