

POST FALLS SCHOOL DISTRICT NO. 273

Series 500: Student Policy: Conduct/Discipline

Policy No. 504.5a

Policy Title: Student Interviews

Page 1 of 2

Definitions

“Interview” or “questioning” means asking a student about an incident.

“Reasonable Suspicion” means a common-sense belief based on the information at hand that criminal activity or a violation of school rule/policy has happened or will happen.

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. Whenever possible, another adult should be present during the questioning of students.

Interviews by School Administrators (Student Suspect)

In situations where a student is suspected of violating board policy or school rule, the principal or designee may interview or question the suspected student without the prior consent of the student’s parent/guardian. The school official must first have reasonable grounds to suspect that the student committed such a violation. If the student denies involvement or culpability in any part of the suspected activities, the student will be afforded the opportunity to present their side of the story, orally or in writing (Reference Policy 504.2 Due Process).

Interviews and Questioning by Law Enforcement Officials

If a law enforcement officer is present on school property solely to question a specific, identified student, the school’s administrative personnel or school resource officer (SRO) shall bring the student to a designated location for questioning. However, if there is a safety concern or other emergency situation involving a student, the school and law enforcement official shall work together on the best way to contact the student.

Any questioning of a student by law enforcement should take place in a private room or area where confidentiality can be maintained.

When possible, parents/guardians will be given the chance to be present for questioning. The school will notify the student’s parent or legal guardian if a minor student has been or may be questioned by a school resource officer or other law enforcement official, unless contacting the parent would compromise the case or the child is a victim or suspected victim of physical child abuse, abandonment, and/or neglect.

The district recognizes that it is not always possible to notify a parent/guardian of a student prior to an interview by law enforcement, whether by an SRO or otherwise.

The board prefers that any interview of a student or a detainment of a student occur outside of school hours and outside the school setting, when possible. However, when such activities

cannot occur outside of the school setting, the principal or designee will notify a parent/guardian of an interview or detainment of a minor student by law enforcement officials.

If a parent/legal guardian directs that a student is not to be subject to a law enforcement interview, such direction will be honored by the school and law enforcement will have to make other arrangements to conduct such questioning.

The building principal or their designee may request to be present at the interview.

Arrests by Law Enforcement Officers

A law enforcement officer may take a student into custody if the student has been placed under arrest or if the officer declares the student to be in imminent danger. The officer must first notify the principal or designee so that the student may be summoned to the principal's office and taken into custody in a manner that is as inconspicuous as possible and minimizes disruption of school operations and the educational process. When an emergency situation arises and the student is taken into custody or arrested on school premises without prior notification to the principal or designee, the law enforcement officer should notify school authorities of the situation as soon as possible.

When a student is removed from school by law enforcement officers for any reason, the building principal or designee will make every reasonable effort to notify the student's parent/guardian. When law enforcement officers make a formal arrest or the student is otherwise in law enforcement custody, any and all responsibility for the student is transferred to law enforcement personnel.

Legal References:	IC § 6-904(1)	Tort Claims Against Governmental Entities —
	IC § 16-1605	Exceptions to Governmental Liability
	IC § 16-1606	Child Protective Act: Reporting of Abuse,
	IC § 16-1607	Abandonment or Neglect
		Child Protective Act: Immunity
		Child Protective Act: Reporting in Bad Faith-
		Civil Damages
	IC § 16-1631	Child Protective Act: Authorization for
		Department to Act
	IC § 20-516	Juvenile Corrections Act — Apprehension and
		Release of Juveniles — Detention

Other References: Idaho Att'y Gen. Ann. Rpt. 93-2 (1993) (available at <https://www.ag.idaho.gov/content/uploads/2017/12/1993.pdf>) (last accessed November 18, 2019)

Date of Adoption: 10/9/23