

Student Interview, Questioning, or Arrest

Fact-finding Interviews by School Administrators (Student Victims/Witnesses)

When a violation of board policy or school rule occurs, the school principal or his/her designee may question a potential student victim, witness, or another student who may have relevant information without prior consent of the parent, guardian or legal custodian.

Interviews by School Administrators (Student Suspect)

In situations where a student is suspected of violating board policy or school rule, the principal or his/her designee may interview the suspected student without the prior consent of the student's parent, guardian, or legal custodian. The school administrator must first have reasonable grounds 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. If the student denies any involvement or culpability, the student will be afforded the opportunity to present his or her side of the story. *Students have the right to not incriminate themselves.*

In the event a student provides a statement, it can be provided orally or in writing. Oral statements should be documented by the interviewer if the student does not choose to write their statement.

In the event an administrator is discussing a situation with a student suspect, and the administrator does not initially believe the violation merits a suspension, then another adult may be present during the questioning of the student suspect.

If the violation warrants a call to law enforcement or law enforcement involvement, then another adult shall be present during the questioning of any student suspect. An informal hearing will be held as set forth in Policy 3330 for all suspensions.

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

When a suspected violation of criminal law has occurred on school grounds, at a school sponsored activity, or an activity involving school operations, law enforcement officers may be notified by school administrators to request a criminal investigation. Law enforcement officers may also independently determine that an investigation requiring student interviews and interrogations is necessary. When law enforcement officers question a student victim, witness or suspect in such instances, the school administrator shall make an effort to notify the student's parent, guardian or legal custodian in advance of the interview or interrogation, unless safety issues are involved. If the school administrator is unable to reach a student's parent, guardian or legal custodian before an interview or questioning, the parent, guardian or legal custodian will

be informed that questioning has occurred, unless safety issues are involved.

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. A school discipline investigation does not stop as soon as the school administrator believes that a crime has been committed. The school administrator shall complete the discipline investigation to determine if any violations of policies or procedures occurred and decide if there shall be consequences pursuant to Policy 3330.

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

The District strives to maintain cooperative working relations between law enforcement, child protective agencies, 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. The principal or his or her designee has 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 his or her designee shall work together with law enforcement officers to coordinate efforts and minimize or prevent such disruption in cases of student interviews and interrogations. In the event of disagreement, the principal or designee shall immediately contact the Superintendent or district legal counsel for assistance.

Before any student interview or interrogation begins regarding suspected criminal activity, the principal or his or her designee shall ascertain that the law enforcement officer has proper identification and evidence of affiliation with an identified law enforcement agency. All efforts shall be made to notify the student's parent, guardian or legal custodian in advance of the interview or interrogation regarding suspected criminal activity, unless safety issues are involved. ***If parents, guardians, or legal custodians are unable to be physically present, efforts will be made to accommodate their presence via telephonic or electronic means.***

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, or legal custodian contact would be at the discretion of law enforcement. The Idaho Department of Health and Welfare or law enforcement may use a school building to conduct an interview regarding suspected child abuse of a student.

Interviews and questioning conducted by law enforcement for either school-related or non-school-related violations shall include the principal or his or her designee during the interview if the student's parent, guardian, or legal custodian is not present, is unavailable, or not able to attend. For protective measures, principals and teachers stand "in loco parentis" to

students in school. ***Parental authority remains with the parents***; however, the principal or teacher stands in place of the parents when the students are in school.

If the parents are given notice and choose not to attend interviewing or questioning of their child, the principal or his or her designee will be present with the student and follow up with District policy. The District has no control over decisions made by the prosecutor's office or a school resource officer on whether or not to issue citations, file charges, and/or prosecute matters. The District will deal exclusively with its own disciplinary decisions.

Parental Right to Know

Parents, guardians, and legal custodians will be notified in a timely manner either before or after their student is questioned by a law enforcement official. In cases involving reported child abuse of a student where the suspected perpetrator is a member of the student's family, contacting the parent, guardian, or legal custodian would be at the discretion of law enforcement.

Arrest and/or Removal of Student by Law Enforcement Officers

A law enforcement officer may take a student into custody. The officer must first notify the principal or his/her designee for the student to be summoned to an administrator's office and taken into custody in an inconspicuous manner minimizing 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, school administrators will make every reasonable effort to notify the student's parent, guardian, or legal custodian. The school administrator will document such effort in writing. 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. ***In cases involving reported child abuse of a student where the suspected perpetrator is a member of the student's family, contacting the parent, guardian, or legal custodian would be at the discretion of law enforcement.***

Form 3545F1 (Student Arrest Form) shall be completed by school administration before removing the student from school documenting who the arresting officer was, who the student was, and when they were taken into custody. An interview form shall be completed by school administration before interviewing a student on school grounds documenting who the interviewing officer was, who the student being interviewed was, and where the interview took place.

School administrators shall notify the Superintendent of the removal of any student from school by law enforcement under any circumstance.

Definitions:

1. “Interview”—The questioning of a student who may be a witness or victim of an incident or suspected of violating Board policy, school rule or criminal law.
2. “Questioning”—The questioning of a student suspected of violating Board and/or District policy, school rule or criminal law.
3. “In loco parentis” —"In place of a parent" or "Instead of a parent" when the parent is not present.
4. “Reasonable Grounds to Suspect”—More than a generalized suspicion or a mere hunch, but not requiring certainty, that a violation has occurred. For example, it may be based upon, among other things, direct observations or the reported observations or experiences of others. It involves a common-sense conclusion about human behavior based upon all of the circumstances presented.

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. § 16-1616	Child Protective Act
	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
	I.C. § 32-1010	Idaho Parental Rights Act
	I.C. § 33-6001	Parental Rights in Education

Policy History:

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No Prior District Policy