

## Students

### Interviews of Students by Outside Agencies

#### I. Purpose

There are occasions in which persons other than school district officials and employees find it necessary to speak with a student during the school day. Student safety and disruption of the educational program is of concern to the district. This policy establishes the procedures for access to students by authorized individuals during the school day.

#### II. General Statement of Policy

- A. Generally, students may not be interviewed during the school day by persons other than a student's parents, school district officials, employees, and/or agents, except as otherwise provided by law and/or this policy.
- B. Requests from law enforcement officers and those other than a student's parents, district officials, employees, and/or agents to interview students will be made through the principal's office. Upon receiving a request, it will be the responsibility of the principal to determine whether the request will be granted. Prior to granting a request, the principal will attempt to contact the student's parents to inform them of the request, except where otherwise prohibited by law or in exigent circumstances involving an imminent and credible threat to the physical safety of students, staff, or others on school premises.

#### III. Interview Conducted Under the Maltreatment of Minors Act

- A. In the case of an investigation pursuant to the Maltreatment of Minors Act, a local welfare agency, the agency responsible for investigating the report, and a local law enforcement agency may interview, without parental consent, an alleged victim and any minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place on district property and during school hours or at any facility or other place where the alleged victim or other children might be found or the child may be transported to, and the interview may be conducted at a place appropriate for the interview of a child designated by the local welfare agency or law enforcement agency. School district officials will work with the local welfare agency, the agency responsible for investigating the report, or law enforcement agency to select a place appropriate for the interview. When it is possible and the report alleges substantial child endangerment or sexual abuse, the interview may take place

outside the presence of the alleged offender and may take place prior to any interviews of the alleged offender.

- B. If the interview took place or is to take place on district property, an order of the juvenile court pursuant to the Maltreatment of Minors Act may specify that district officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on district property and/or any other related information regarding the interview that may be a part of the child's record. The district official must receive a copy of the order from the local welfare or law enforcement agency.
- C. When the local welfare agency, local law enforcement agency, or agency responsible for assessing or investigating a report of maltreatment determines that an interview should take place on district property, district officials must receive written notification of intent to interview the child on district property prior to the interview. The notification will include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on district property. Where the interviews are conducted by the local welfare agency, the notification must be signed by the chair of the local social services agency or the chair's designee. The notification is private educational data on the student. District officials may not disclose to the parent, legal custodian, or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded, unless a district employee or agent is alleged to have maltreated the child. Until district officials receive said notification, all inquiries regarding the nature of the investigation or assessment should be directed to the local welfare or law enforcement agency or the agency responsible for assessing or investigating a report of maltreatment, who will be solely responsible for any disclosure regarding the nature of the assessment or investigation.
- D. District officials will have discretion to reasonably schedule the time, place, and manner of an interview by a local welfare or local law enforcement agency on district premises. However, where the alleged perpetrator is believed to be a district official or employee, the local welfare or local law enforcement agency will have discretion to determine where the interview will be held. The interview must be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the district officials and the local welfare or law enforcement agency. However, district officials must yield to the discretion of the local welfare or law enforcement agency concerning other persons in attendance at the interview. District officials will make every effort to reduce the disruption to the educational program of the child, other students, or district staff when an interview is conducted on district premises.

E. Students will not be taken from district property without the consent of the principal and without proper warrant.

Legal References:

Minn. Stat. § 13.32 (Educational Data)

Minn. Stat., Chapter 260E (Maltreatment of Minors Act)

Cross References:

Policy 104 (Complaints – Students, Employees, Parents, Other Persons)

Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)

Policy 515 (Protection and Privacy of Student Records)

Policy

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