Merchantville Board of Education 130 South Centre Street Merchantville, NJ 08109	File Code : 5145.11 Adopted : 09/27/1988 Revised : 09/22/2009 Reviewed : 06/03/2024

Questioning and Apprehension

In order to protect pupils' rights during the time they are under school control, the chief school administrator shall interview every person who wishes to question a pupil on school property during the school day. The chief school administrator shall be informed of such incidents.

Law Enforcement Officers

A. If a law enforcement officer has an arrest warrant, the chief school administrator shall ensure that all procedural safeguards as prescribed by law are observed. No pupil shall be taken from the school without the knowledge of the chief school administrator or other person in charge of the school. The chief school administrator or his designee shall make every reasonable effort to notify parents/guardians. The chief school administrator shall be informed whenever such apprehensions take place.

B. If a law enforcement officer has a juvenile complaint or wants to question a student on school property, the chief school administrator shall request that the questioning be delayed if possible until the parents/guardians can be present. If the officer refuses and the chief school administrator is convinced that the situation justifies questioning, he/she must attempt to have the parents/guardians informed immediately and shall remain with the student during the questioning.

C. If the law enforcement officer is an agent of the Division of Youth and Family Services (DYFS), the agent shall determine whether the presence of a parent/guardian or school employee is appropriate.

Private Persons

If a private person wishes to question a pupil on school property during the school day, generally parents/ guardians shall be notified of the request and give their permission before the chief school administrator will permit the private person to question the pupil. In cases involving possible harm to another pupil which might be prevented by early information, the chief school administrator may permit such questioning if the parent/guardian cannot be reached. The chief school administrator shall be present during the questioning.

Weapons and Substance Abuse Questioning by Staff

When questioning any pupil about possible possession, use, or distribution of proscribed substances, drug paraphernalia, alcohol, firearms or other deadly weapons, staff shall follow the procedures adopted by the board in compliance with administrative code.

Generally

The chief school administrator shall notify the board president when the police have sought to question a pupil in school, and the outcome of the incident. The district shall make every effort to establish close and cordial relationships with local law enforcement and other agencies, while ensuring that the parents/guardians are informed and pupil rights protected.

Key Words

Questioning, Apprehension, Pupil Arrest, Student Arrest, Arrest

Legal References:

N.J.S.A. 2A:4A-60 et al.	Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 2C:35-5	Comprehensive Drug Reform Act of 1986
N.J.S.A. 18A:11-1	General mandatory powers and duties
N.J.S.A. 18A:54-20	Powers of board (county vocational schools)
N.J.A.C. 6A:16-4.1	Adoption of policies and procedures for the intervention of student alcohol and other drug abuse
N.J.A.C. 6A:16-5.1et seq.	School Safety
See particularly: N.J.A.C 6A:16-5.7 through –5.8	
N.J.A.C. 6A:16-6.1 et seq.	Law Enforcement Operations for Substances, Weapons,
See particularly: N.J.A.C. 6A:16-6.1, -6.2, -6.3	Health and Safety
N.J.A.C. 6A:32-7et seq.	Student records

New Jersey Constitution, Article I, para. 7

U.S. Constitution, Amendment IV, V, XIV

The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)

In re Gault, 387 U.S. 1 (1967)

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (1999 Revisions)

Possible Cross References:

*1410	Local units
*5114	Suspension and expulsion
*5131	Conduct/discipline
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
*5145.12	Search and seizure

*Indicates policy is included in the Critical Policy Reference Manual.

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