

INTERROGATIONS

~~The Orleans Parish School Board fully recognizes the responsibility police or child protection agencies have to protect all citizens by enforcing the laws of the community. The School Board, in turn, has the responsibility to protect the students attending the schools of the district. Therefore, law enforcement agents or public agency officials may seek to visit the a school to obtain information or on other official business. The School Board, in turn, has the responsibility to protect students attending schools in the district. As such visits can substantially disrupt the learning environment, they shall only be allowed in strict accordance with this policy. In all instances, the welfare of the student and the protection of his or her constitutional rights shall be the school district's primary considerations. Any public agency official entering school premises, however, shall be required to report first to the office of the principal, state his purpose, and produce proper identification.~~

~~A student may be interviewed during the school day after the principal or other administrator has been notified. Police officers or other officials may request an interview with a student or students for investigative purposes, such as child abuse investigations. However, once the student or students are considered suspects in a criminal matter, the parent(s) or legal guardian(s) should be contacted and possibly be present during the interview. When the student is seventeen (17) years of age, an interview by a police officer may be conducted without a parent or legal guardian present.~~

~~If the topic of the interview is child abuse and the investigator determines that the child should be interviewed independently of his or her parent(s) and the school is the most appropriate setting for the interview, school officials may permit the investigation without contacting the parents. It will be the responsibility of the investigator in abuse cases to determine who will be present during the interview.~~

~~No student may be taken from school without the consent of the building principal and without proper warrant, attachment, or subpoena. Reasonable efforts shall be made to notify the parent/guardian. In all cases, the welfare of the child and the protection of his or her constitutional rights shall be the principal's first consideration.~~

INTERROGATIONS OF STUDENTS BY LAW ENFORCEMENT

Relative to School-Related Incidents

When a law enforcement authority seeks or is requested by school officials to interview a student at school about a school-related incident for law enforcement purposes, the following procedures shall apply:

1. The law enforcement agent shall, upon arrival at the school, report to the school

principal/designee, identify or confirm the student sought to be interviewed, identify or confirm the reason(s) for the interview, and present the applicable subpoena, warrant, or court order authorizing such interview, unless such interview was requested by school officials.

2. Unless school officials request an interview, the principal/designee shall make a written record of the law enforcement agent's request, the reasons therefore, the agent's contact information, and a photocopy of the subpoena, warrant, or court order.
3. The school official shall verify the identity of the law enforcement agent by requesting and photocopying the agent's picture identification card and/or badge.
4. If law enforcement does not present a subpoena, warrant, or court order, the principal/designee shall contact legal counsel for the school district prior to cooperating any further with law enforcement.
5. When law enforcement authorities seek to interview a student, the principal/designee shall make every reasonable effort to notify the parent/legal guardian or parental designee before allowing the law enforcement agent to interview the student, unless extenuating circumstances dictate that this not be done. Extenuating circumstances exist when, for example:
 - a. Delay in proceeding with the interview may pose imminent danger to the health or safety of students, school employees, or other persons in the community;
 - b. The student's parent or parents are suspected of a felony or other crime posing an imminent danger to the health and safety of students, school employees, or other persons in the community or posing a risk of flight from the jurisdiction by a person suspected of a felony; or
 - c. Law enforcement authorities need to act promptly to prevent destruction of evidence of a felony or other crime posing an imminent danger to the health and safety of students, school employees, or other persons in the community.

If the parent/guardian desires to be present, then absent extenuating circumstances, the interview should be delayed until the parent/guardian arrives.

The school principal/designee shall document all attempts to contact a student's parents/guardians.

6. If the student refuses to speak to law enforcement authorities, the interview may not proceed on school grounds.

7. If law enforcement authorities interview a student at school without the presence or permission of a parent/guardian or designee, the principal/designee shall be present with the student during the interview. The principal/designee shall only observe and document the interview and shall not participate in any manner.
8. Absent an emergency or circumstances justifying other action, all interviews of students should be conducted in private to avoid disrupting school, protect the student's privacy, and preserve the integrity of the investigation.

Non-School Related Incidents

Absent exigent circumstances (e.g., preventing harm to a student, preventing destruction of evidence of a serious crime or preventing flight from the jurisdiction by a student suspected of serious criminal activity), interviews of students by law enforcement authorities about matters unrelated to school, shall be conducted away from school after school hours. If a law enforcement agent requests to interview a student at school about a non-school related matter, the procedures outlined above for investigation of school-related incidents shall be followed.

ARREST OF A STUDENT ON SCHOOL GROUNDS

School officials must cooperate with law enforcement authorities when law enforcement authorities deem it necessary to arrest a student on school grounds. However, a student shall be released to law enforcement officers only upon presentation of a warrant, attachment or subpoena for the student. Law enforcement agents should take students into custody in a manner that minimizes disruption to the school and embarrassment to the student. Every reasonable effort shall be made to notify the parent/legal guardian or designee of the student's arrest at school.

INTERROGATIONS/ARRESTS BY IMMIGRATION LAW ENFORCEMENT

The district recognizes that school facilities have been identified by immigration law enforcement agencies as sensitive locations for the purposes of immigration law enforcement. Should immigration law enforcement agents attempt to detain, apprehend, interview, search, arrest a student or any person or to otherwise enforce immigration laws on school grounds, (e.g., detention or apprehension, arrest, interview, or searches of individuals), the school principal/designee shall:

1. Comply with the procedures set forth in Paragraphs 1-4 above, and immediately contact the Superintendent and school district legal counsel for guidance prior to allowing any access to the school site or to any student or student information;
2. Provide the agents with a copy of this policy, and advise them that you are required to comply with this policy prior to allowing them access to the school

site or to any student or student information; and

3. Make every reasonable effort to notify the parent/legal guardian or parental designee.

INTERROGATION OF STUDENTS BY PUBLIC AGENCY OFFICIALS

Notwithstanding the above, when a Department of Children and Family Services (DCFS) investigator seeks to interview a student relative to an allegation of child abuse, the investigator determines that the student should be interviewed independently of his or her parent(s), and the school is the most appropriate setting for the interview, school officials may permit the investigation without contacting the parents. It will be the responsibility of the investigator in abuse cases to determine who will be present during the interview.

In the event that DCFS determines that a student must be removed from school grounds, the school principal/designee shall make reasonable efforts to notify the parent/guardian.

Ref: US Constitution, Amend. IV; US Constitution, Amend. XIV, Sec. 1; 20 USC 1232 (g-i) (Family Educational Rights and Privacy Act); 34 CFR 99.1-99.67 (Family Educational Rights and Privacy - Federal Regulations); La. Rev. Stat. Ann. §§17:81, 17:416, 17:416.3, 17:3913, 17:3914; New Jersey v. T.L.O., 469 U.S. 325, 105 S. Ct. 733; Plyler v. Doe, 457 U.S. 202 (1982). La. Rev. Stat. Ann. §17:81.