

1 **Board Policies**

Blair-Taylor School District

2
3 **Series: 400**
4 **Section: 440**
5 **Policy #: 445**
6

STUDENTS
STUDENT RIGHTS AND RESPONSIBILITIES
STUDENT QUESTIONING BY NON-SCHOOL
PERSONNEL

7
8 -----
9
10 All non-school personnel shall comply with the following procedures as they work with district students:

- 11
12 1. Non-school personnel shall make every effort to conduct their business with students at a time other
13 than during normal school hours. In the event it becomes necessary, and if it is in the best interest
14 of the student for non-school personnel to see him/her during the school day, interviews at the
15 schools should be coordinated with class schedules. Exam periods shall not be interrupted except
16 in emergencies. The decision as to whether or not to grant an interview, and the time and place of
17 such interview, shall be determined by the building principal or his/her designee.
18
- 19 2. All non-school personnel who have requested and gained permission to work with a student are
20 required to report to the principal's office (or his/her designee) before meeting with the student.
21
- 22 3. When law enforcement personnel are involved, they shall be as inconspicuous as possible.
23 Whenever possible, officers shall wear plain clothes and drive unmarked cars when visiting the
24 school. Summoning a student from classes shall be done by the principal or his/her designee.
25
26
- 27 4. Pupil records will be made available to police-school liaison officer on the same basis as school
28 employees and other school officials. The officer must be individually designated by the board and
29 assigned to the school district. The officer may not disclose the information to anyone else unless
30 otherwise permitted by law. (WS 118.125(2)(d).
31
- 32 5. Pertinent pupil records will be made available to an investigating law enforcement agency or district
33 attorney, if the requesting person certifies in writing that the records
34 (1) concern the juvenile justice system and its ability to serve the pupil, (2) relate to an ongoing
35 investigation, or pending delinquency petition, and (3) will not be disclosed to anyone else except as
36 otherwise authorized by law. (WS 118.125(2)(n)2.
37
- 38 6. The school district is NOT required to contact a parent if the school district feels this would discourage
39 or undermine an ongoing investigation. But, the school district may still notify the student and parent
40 if it is deemed appropriate. (WS 118.127)
41
- 42 7. Any information about a pupil's potential risk to others will be treated as are all other pupil records and
43 must be made available to school district employees and officials who have legitimate educational
44 interests, including safety interest, in the information. (WS 118.128).
45
- 46 8. The county district attorney must now attempt to contact a pupil's school when criminal charges have
47 been filed against a pupil and when the charges are finally disposed.
48 (WS 950.08(2w).
49
- 50 9. Law enforcement officers shall not remove a student from the school building while the student is
51 properly in attendance without the written permission of the parent or guardian, unless a warrant for
52 the student's arrest or an official order of a judge of a children's court is presented, as provided for in
53 Wisconsin Statute 48.19 and/or emergency detention requirements under 51.15.
54

55 10. If a student is arrested or taken into custody, the law enforcement officer(s) shall call to inform the
56 student's parents. Parents shall be notified in advance of removal from school and advised to be at
57 the destination to where the student is being removed. The student shall be advised of his/her right to
58 remain silent and to have legal counsel of his/her own choosing. District officials shall not be required
59 to provide legal counsel to any student since the appointment and/or retention of counsel is properly
60 reserved for the student, parent(s), legal guardian, and the courts.

61
62 If questioning of a student by law enforcement personnel involves an investigation into the
63 commission of a crime and the student is suspect, then the law enforcement personnel shall advise
64 the student of his/her constitutional rights prior to any questioning. However, in those cases involving
65 emergency detention, the procedures outlines in #17 herein shall be followed.

66
67 11. Social workers and counselors from agencies other than the school shall not remove a student from
68 the school building while the student is properly in attendance without the written permission of the
69 parent or guardian, or unless the student is under the legal/physical custody of the agency
70 represented. The student shall not be released from school to another agency until the legal/physical
71 custodian provides the legal authority indicating the right to remove the student.

72
73 12. Summons to court and legal papers shall be served to students outside of school hours.

74
75 13. Social workers and counselors from agencies outside the school shall counsel with the student only
76 upon receipt of permission to do so by either the parent/guardian or the agency holding legal
77 custody.

78
79 14. School records and other information shall be made available to non-school personnel according to
80 district's Student Records policy and procedures or as it pertains to Chapter 48.

81
82 15. All information regarding incidents involving a student and a violation of the law or
83 alleged violation of the law shall remain strictly confidential. Off-school property incident
84 information regarding students shall be provided to the principal or his/her designee if the
85 information can be used in a corrective/supportive manner.

86
87 16. When non-school personnel work with students with disabilities, they shall be apprised of the
88 student's disability and possible limitations regarding factors such as communication and
89 comprehension. The principal or his/her designee shall be responsible for providing this information
90 to the non-school personnel. If the student, based on documentation relating to his/her disability, is
91 incapable of representing himself/herself in situations where a parent or guardian is not present, a
92 building administrator or a staff member appointed by the building administrator shall represent the
93 student.

94
95 17. Interviews occurring without parental/guardian permission shall occur in the presence of or with the
96 knowledge of the principal or his/her designee. Only the following are authorized:

97
98 a. Where questioning is limited to gathering data from witnesses and no incriminating
99 statements are elicited. In these cases, law enforcement personnel shall not be required to
100 notify parents or the legal guardian that his/her son or daughter is being interviewed.
101 However, the principal or his/her designee shall be present at such interview.

102
103 b. If a student is a witness to an offense or a non-involved third party, meaning that he/she
104 would not be a defendant. In these cases parents shall be called. If the parent is not
105 available, law enforcement personnel are permitted to question the student without parental
106 consent. The principal or his/her designee shall be present at such an interview.

107

108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161

c. In cases where students seek out law enforcement officials and request an interview in private, that permission may be granted by the building principal or assistant principal.

d. When a student who has been referred to social services by a school employee or by other appropriate sources for protective services in accordance with board policy and/or state statute including, but not limited to, child abuse/neglect and truancy. In these cases, the student may be interviewed on school premises with the knowledge of the principal or his/her designee.

e. When there is a court order authorizing a student interview on school premises. The person authorized by such court order shall inform the principal or his/her designee if he/she wishes to conduct the interview with the student in private.

18. Adult students shall be questioned or interviewed only by following the procedures set forth herein. However, the parents of an adult student need not be notified by the authorities requesting the interview. Prior to any such interview of an adult student, the principal or his/her designee shall be informed as to whether or not the student's parents have been informed and whether or not parental permission for the interview has been obtained. If parental permission has not been obtained, then the principal or his/her designee, at his/her discretion may require that parental permission be obtained before the authorities are allowed to proceed with the questioning of an adult student.

19. If a student is in a state of emergency, as defined in Sec. 51.15, Wisconsin Statutes (that is, that the student is mentally ill, drug dependent, or developmentally disabled and there is a substantial probability of physical harm, either to himself or to herself or to others), a law enforcement officer or other authorized person, has the right to remove the student from the school and place him/her in emergency detention, without seeking parental approval. The parents shall be notified after the student has been removed from school. When removing any student from school, the law enforcement officer or authorized person shall be governed by the provisions of Sec. 51.15, Wis. Stats. The officer shall notify the principal, or his/her designee, of the reasons for the removal of any student prior to any such removal, and the principal, or his/her designee, shall give prior approval to any such removal. However, if the situation warrants it, the law enforcement officer or other authorized person has the authority to remove the student under Sec. 51.15 without the approval of school authorities.

A copy of the order permitting the law enforcement officer to remove the student from the school and place him/her in emergency detention shall be left with the principal or his/her designee. If the student is to be kept out of school, the law enforcement officer shall notify the school officials to that effect.

20. In other situations involving questioning of students by non-school personnel not covered herein, the administrators within the district shall exercise appropriate judgment pertaining to each individual situation. He/she shall make every effort to cooperate with non-school personnel while maintaining the rights of the student.

LEGAL REFERENCE: 48.19, 48.57(1)(a), 48.981(2), 51.15 Wis. Stats., Wis. Stats 118.125

First Reading: 7/8/91

Amended: Adopted: 7/15/91
Reviewed: 7-14-09
Amended: 8-16-10

Clerk: _____