

QUESTIONING OF STUDENTS

It is the policy of the Southwestern Consolidated School District of Shelby County School Board to cooperate with law enforcement officers and Department of Child Services (DCS) workers acting within the scope of their employment when they propose to question or search a student at school in a manner that is consistent with the rights of the student and the student's parent/guardian.

For purposes of this policy, "*law enforcement officer*" means a person not employed by the Corporation who is: a police officer, sheriff, constable, marshal, or prosecuting attorney; a deputy of any of these persons but not a special deputy who is not an employee of those persons; an investigator for a prosecuting attorney; a conservation officer; an enforcement officer of the Alcoholic Beverage Commission; a Federal Bureau of Investigation special agent; a United States Marshals Service marshal or deputy; a United States Secret Service special agent; a United States Fish and Wildlife Service special agent; a United States Drug Enforcement Agency agent; a Bureau of Alcohol, Tobacco, and Firearms agent; a United States Forest Service law enforcement officer; a United States Department of Defense police officer or criminal investigator; a United States Immigration and Customs Enforcement agent; a United States Postal Service investigator; or a National Park Service law enforcement commissioned ranger. The term does not include private detectives, investigators employed by attorneys and non-governmental organizations, and the law enforcement officers listed above when not acting within the scope of their governmental job description.

When a law enforcement officer or DCS caseworker requests to interview a student or request to inspect the student's records, the Superintendent shall be immediately informed. Information maintained in a student's educational records will only be released in accordance with the Family Educational Rights and Privacy Act (FERPA) and Board Policy E175.

In general, questioning or interviewing of students on School property by a government agency is not allowed; however, exceptions may be made in exigent circumstances. A law enforcement officer with a court order specifically directed to school officials ordering that the officer be permitted to have access to or to question a specific student at school shall be permitted to question the student in a manner consistent with the order.

DCS is permitted to interview a child at the child's school without parental consent if: (1) the DCS employee presents their credentials upon arrival at the school; and (2) DCS presents a written statement that DCS has parental consent, a court order, or exigent circumstances as defined in I.C. 31-9-2-44.1.

When DCS has met the criteria above and is permitted to interview a child at the child's school, the principal or designee shall be present throughout the proceedings, unless ordered not to be present by a representative of the agency or a court of law. The principal or designee shall not interfere with the interview or examination if present during the interview or examination.

The Board discourages law enforcement officers requesting to question or examine a student at school acting without a court order or warrant, unless law enforcement is investigating an alleged crime that occurred on school property. If the student is a suspect in an investigation and is questioned by law enforcement on school property, the student's parents should be immediately notified of the

interrogation. Similarly, if a law enforcement official removes a student from school, the Principal shall immediately notify the Superintendent and the student's parents.

In the event that law enforcement or DCS would like the student to leave school property (excluding arrest) and they do not have written parental permission, the principal shall be responsible for determining if the reason given is a valid emergency or for the protection of life or property.

I.C. 31-30.5-1

I.C. 31-9-2-44.1

I.C. 31-33-8-7

Ind. R. Evid. 617

Southwestern Consolidated School District of Shelby County

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