

Board Policy Document

STUDENT PERSONNEL

Series 500

Policy Title: Interviews and Removal of Students By Law Enforcement Personnel or DHS Child Abuse Investigators

Code Number: 502.7

General Expectations

Requests from persons other than their legal guardian, District employees or by district-approved organizations, to interview students on school grounds shall be made through the Principal's office. The Principal shall have the discretion to determine whether the request will be granted. If inclined to grant such a request, the Principal first shall attempt to contact the student's legal guardian(s) to inform them of the request, determine whether they object to the interview, consider these responses in deciding whether to grant the request, and ask whether the legal guardian desires to be present for the interview.

Department of Human Services Child Abuse Investigators and Juvenile Court Officers

If a DHS child abuse investigator or juvenile court officer acting in an official capacity wishes to interview a student, the Principal may defer to the investigator's judgment as to whether the school is the most appropriate setting for the interview, who will be present during the interview conducted at the school site, and whether it is appropriate for the legal guardian(s) to be contacted.

First Adoption: October 9, 1995
Revision Adoption: March 28, 2000, October 8, 2007/January 26, 2009
Legal Reference: Iowa Code Chapter 232; 280.17 (1995); 281 I.A.C. 102; 441 I.A.C. 9.2; 155; 175; 1982 Iowa Op. Atty. Gen. 390; 1982 Iowa Op. Atty. Gen. 417; 232.78; 232.79

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A juvenile court officer may remove a student from the school pursuant to a court order obtained pursuant to Iowa Code 232.78 or without a court order pursuant to Iowa Code 232.79 if the juvenile court officer determines it is appropriate to do so. In the event of removal of a student from the school grounds by a child abuse investigator or juvenile court officer, the District will rely on such individuals to inform the parents or guardians of the student, in accordance with all legal requirements.

Police Interviews in School

A student should be interviewed at school only when it is not possible to do so at his/her home.

If a law enforcement officer wishes to interview a student, on school grounds, the following steps shall be taken:

1. The law enforcement officer shall contact the Principal or his/her designee and ask to see the student. The Principal or his/her designee shall inquire as to the efforts that have been made by the law enforcement officer to contact the student's legal guardian(s) prior to any interview. Such efforts shall be documented.
2. If the law enforcement officer has not been able to contact the student's legal guardian(s), the Principal or Principal's designee shall then attempt to contact the student's legal guardian(s). If a legal guardian consents to the interview, the Principal or his/her designee shall then contact the student. If unable to locate a legal guardian, the decision to allow the interview is at the Principal's or his or her designee's discretion. The Principal or his/her designee shall document all attempts to contact a legal guardian prior to a police interview.
3. If a legal guardian has been contacted, and indicates that they want to be present, a reasonable amount of time shall be provided for the legal guardian to reach the school and be present for the interview.

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4. Any law enforcement interview shall be held in a private place and no school official shall actively participate or assist in any way in the interview, but may be present.
5. Prior to the actual interview, the Principal or his/her designee shall ensure that the law enforcement official has informed the student of the reasons for the interview and shall witness the officer's statement of the student's rights. An interview on school premises shall take place only with a student's willingness to participate voluntarily. If the student does not willingly volunteer to participate in the interview or requests that a parent or guardian be present, the interview shall cease.
6. This policy shall permit a student who may be a witness to, or a victim of, an alleged crime to approach a law enforcement officer. However, if, at any point during any such voluntary interview, it becomes clear that the student may be a suspect in addition to being a witness or alleged victim, the foregoing procedures shall apply.

Taking A Student Into Custody

A student shall only be removed from the school by law enforcement or agency officers, by order or authority of a court or governmental agency; for a delinquent act pursuant to the laws relating to arrest; if the student is a run-away; or if the child has committed a material violation of a dispositional order.

1. The law enforcement officer who intends to remove the student shall present a copy of the arrest warrant or other court order, if there is one, to the Principal or his/her designee prior to the removal of the student from a school building.
2. A student who is to be taken into custody shall be called from the classroom and brought to the Principal's office. The Principal or his/her designee shall not release the student into the custody of the law enforcement official until he/she has verified the identity of the law enforcement official, and the reason for the removal. The Principal or his/her designee shall immediately complete the Release Form (AR502.7).

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The Principal or his/her designee shall ensure that a good faith attempt is made to locate the legal guardian(s) of the student and inform them of the removal of the student from the school (see AR502.7).

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