

Policy JFGA: INTERVIEWS WITH OR REMOVAL OF STUDENTS

Status: DRAFT

Original Adopted Date: Pending

20A UPDATE EXPLANATION

MSBA has revised this policy to clarify that the policy's purpose is to protect students in situations where outside entities seek to interview students at school.

EDITOR'S NOTE: My records show that the board neither adopted nor declined this policy when it was first presented in update 2020A. The markup below indicates what has changed between the original release of this policy and the current update 2022B. MSBA strongly recommends that districts have a policy in place to regulate access to students by law enforcement, and that all administrators and SROs be trained on said policy.

Purpose

The purpose of this policy is to set rules for entities other than district employees who request to interview students at school. This policy does not apply to the day-to-day conversations between students and district employees. Such conversations will be conducted in accordance with board policy governing communications between students and staff, board policy governing parent and family involvement, and state and federal law.

District Personnel Discussions with Students

There are many situations where school employees will meet with individual students. School counselors meet with students to discuss academics and personal issues, teachers often discuss academic performance with students, and school officials meet with students when investigating disciplinary violations. These conversations are an essential part of the educational process. The district will not honor requests by parents/guardians to be informed prior to these discussions, be present during the discussions or prohibit conversations between a student and staff members.

School Resource Officers (SROs)

An SRO's role in interviewing students or taking students into custody will be addressed in the agreement between the district and the law enforcement agency commissioning the SRO.

Crimes Committed on District Property or at District Activities

If a student commits is suspected of committing a crime on district property or at a district activity, school officials will contact law enforcement as required by law and board policy. School officials will also contact the student's parent/guardian. District staff will interview the student as part of the misconduct investigation and student discipline process, but law enforcement will not be allowed to interview the student except as described below.

Law Enforcement Interviews

Law enforcement officials requesting to interview a student at school will provide the principal or designee the reason for the interview and provide any applicable warrant or court order. The principal or designee will record the identity of the law enforcement officials and the stated reason for the interview.

The district will not allow law enforcement officials to interview students at school unless one of the following applies:

1. The law enforcement official has presented an applicable warrant or court order authorizing the official to take custody of the student or interview the student.
2. Consent for the interview is provided by the parent/guardian or the student if the student is 18 or older and is otherwise competent to consent.
3. Exigent circumstances exist that school officials consider sufficient to justify the interview. Exigent circumstances are sufficient if the law enforcement officials demonstrate that delaying the interview may pose a danger to the health or safety of the student, other students, district employees or others.

If the interview is permitted, the principal or designee will be present during the interview. Unless the

parent/guardian was already contacted, the principal or designee will attempt to contact the parent/guardian immediately after the interview.

Removal of Students from School by Law Enforcement Officials

If a law enforcement official or other legally authorized person wishes to remove a student from school, the principal or designee must take the following steps:

1. Verify the identity of any law enforcement official or other legally authorized person before they are allowed to take a student into custody.
2. Verify, to the best of ~~his or her~~their ability, the official's authority to take custody of the student before they are allowed to take a student into custody.
3. Require officials who are determined to have the authority to take custody of a student to remove the student in a manner that minimizes disruption to the school environment.
4. Attempt to notify the student's parents/guardians that the student is being removed from school.

Children's Division (CD) Interviews

CD representatives may meet with students on campus. The district liaison will work with the CD to arrange such meetings to be minimally disruptive to the student's schedule. If the student is an alleged victim of abuse or neglect, the CD may not meet with the student in any school building or childcare facility where the abuse of the student allegedly occurred. The principal or designee will verify and record the identity of any CD representatives who request to meet with or take custody of a student.

Guardian Ad Litem and Court-Appointed Special Advocate Interviews

When a court-appointed guardian ad litem or special advocate finds it necessary to interview a student during the school day or during periods of extracurricular activities, the principal or designee must be notified prior to the scheduled interview. The principal or designee will verify and record the individual's identity through the court order that appointed the individual. The interview must be conducted in a private setting and with the least disruption to the student's schedule.

Student Records Access

Student records will be provided only in accordance with state and federal law.

Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

§210.145, RSMo.

§544.193, RSMo.

Description

State Statute -
<https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==>

State Statute -
<https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==>

Federal References

20 U.S.C. § 1232g

Description

Family Educational Rights and Privacy Act -
<https://simbli.eboardsolutions.com/SU/plusSLEkiEKYG9tr1Va3O8c8g==>

Cross References

KNAJ

Description

RELATIONS WITH LAW ENFORCEMENT AUTHORITIES -
<https://simbli.eboardsolutions.com/SU/VLcMGKk8idvZIEZwslshYbG0w==>