

West Salem School District
Policy 445-Rule

GUIDELINES FOR QUESTIONING AND/OR REMOVING A STUDENT

A. Questioning Initiated by Law Enforcement Personnel or Human Services Personnel

1. In order to minimize classroom interruptions and to prevent interference with classroom teacher efforts to provide instruction, the following procedures shall apply when students are to be questioned by law enforcement personnel (LEP) or human services personnel:
 - a. LEP and human services personnel shall make a concerted effort to question students outside of school hours and outside the school setting in those cases where assistance has not been requested by school authorities.
 - b. In the event it becomes necessary for LEP or human services personnel to question a student during normal school hours, such questioning in school shall be coordinated with the building principal or designee, LEP or human services personnel shall first report to the building principal's office and shall be conspicuous as possible.
 - c. The actual summoning of a student from class shall be done by the building principal or designee.
 - d. LEP and human services personnel shall be as unobtrusive as possible and the student should be questioned in a setting which assures privacy, so as to avoid any possible embarrassment to and/or stereotyping of the student as a consequence of LEP or human services personnel contact.
2. Prior to granting permission for LEP or human services personnel to question a student, the building principal or designee shall call the student's parent(s)/guardian(s) to inform him/her/them of the questioning which is to take place at school. School personnel may not require parent notification before allowing LEP or human services personnel to question a student concerning alleged child abuse or neglect. If the parent(s)/guardian(s) cannot be reached, LEP or human services personnel shall not talk to a student except in emergency situation.

West Salem School District
Policy 445-Rule

B. Questioning Initiated by a Student

In cases where students seek out LEP or human services personnel and request an interview in private, that permission may be granted by the building principal or designee.

C. Presence of School Personnel During Questioning Regarding Child Abuse or Neglect

Human Services personnel may, in the exercise of professional judgment and in accordance with department standards, exclude school personnel from an interview if the matter involves child abuse or neglect.

D. Representation of Exceptional Educational Needs Students

When LEP or human services personnel work with an exceptional educational needs (EEN) student, they shall be apprised of the student's handicap and possible limitations regarding factors such as communication and comprehension. The building principal or designee shall be responsible for providing this information to LEP or human services personnel. If the student, based on documentation relating to his/her handicap, is incapable of representing him/herself in the questioning, a building administrator or designee shall represent the student.

E. Student Apprehension/Removal from School

1. If a student is arrested or taken into custody by LEP, the building principal or designee shall call the student's parent(s)/guardian(s) and inform him/her/them of the situation. A concerted effort shall be made to contact the parent(s)/guardian(s) prior to removal. If the parent(s)/guardian(s) is not available, the building principal or designee shall notify the LEP. Parent(s)/guardian(s) shall be notified of the student's removal from school and advised to be at the destination to which the student is being escorted. District officials shall not be required to provide legal counsel to any student since the appointment and/or retention of counsel is properly reserved for the student, his/her parent(s)/guardian(s) and the courts.

West Salem School District
Policy 445-Rule

2. Except in cases of suspected child abuse or neglect, human services personnel or representatives of other non-school agencies shall not remove a student from the school building while the student is properly in attendance without the written permission of the student's parent/guardian unless:
 - a. The student is under legal/physical custody of the agency represented. The student shall not be released from school to another agency until the legal/physical custodian provides the legal authority indicating the right to remove the student; or
 - b. The student is in a state of emergency, as defined in section 51.15 of the state statutes, (that is the student is mentally ill, drug dependent or developmentally disabled and there is a substantial probability of physical harm, either to him/herself or to others). LEP or other authorized persons have the right to remove the student from the school and place him/her in emergency detention without parental approval. The student's parent(s)/guardian(s) shall be notified after the student has been removed from school. When removing any student from school, LEP or other authorized persons shall be governed by the provisions of section 51.15 of the state statutes. LEP or other authorized persons shall notify the building principal or designee of the reasons for the removal of any student prior to any such removal. A copy of the order permitting LEP or other authorized persons to remove the student from the school and place him/her in emergency detention shall be left with the building principal or designee. If the student is to be kept out of school, the LEP or other authorized persons shall notify the school officials to that effect. Such removal shall be made with a minimum of publicity. The LEP or other authorized persons should receive the student at the school office and, if possible, remove him/her from school at the least conspicuous time.

APPROVED: January 10, 2005