

# Beaverton School District 48J

Code: ~~KN/KNA~~  
Adopted: 3/10/97  
Orig. Code(s): KN/KNA

## **Relations with ~~Government Agencies~~ Law Enforcement and the Department of Human Services (DHS)\*\***

It is the intent of the district to cooperate with law enforcement agencies in the interest of the welfare of all citizens. The district also has a responsibility to the individual student and his/her parents to ensure that the student's education is not unnecessarily interrupted and that his/her individual rights are protected.

When it is necessary for law enforcement officers to interview, detain or take into custody students at school during school hours, special consideration should be given to whether the matter is school connected, the gravity of the situation and if the officer has a petition or warrant to take the student into custody.

The ~~building~~ principal may request law enforcement assistance in conducting an investigation.

### **COOPERATION BETWEEN THE SCHOOL AND LAW ENFORCEMENT AGENCIES** (Student interviews, serving of subpoenas, detention and custody)

If it is necessary for law enforcement officers to interview, detain or take into custody a student, the principal or his/her designee will follow these recommendations to ensure compliance with Oregon Revised Statutes. School personnel are responsible for cooperating with, and making it possible for, law enforcement officials to interview students on school premises.

1. Any investigation regarding possible child abuse is governed by ~~Board policy JHFE - Reporting of Suspected Abuse of a Child~~ and administrative regulation ~~JHFE-AR - Reporting of Suspected Child Abuse of a Child~~.
2. It is the responsibility of a law enforcement officer who wishes to interview a student at school for law enforcement purposes to contact that student's parent or guardian in order to obtain advance authorization for the interview ~~except for those students who are 18 years of age or emancipated~~. For this purpose, school personnel shall provide the telephone number of a student's parent or guardian to a requesting law enforcement officer unless the parent/guardian has filed written notice with the school that the student's/parents' phone number should not be disclosed under the district's "directory information" procedure.

~~a. If the law enforcement officer determines in his or her sole discretion that contacting the parent or guardian in advance will interfere with legitimate law enforcement business or create a health or safety risk to the student or others, the law enforcement officer may interview the student without parental or guardian notification. In such circumstances, before the interview occurs the law enforcement officer shall complete and sign a "No Notice/Emergency Circumstances Form" (Refer to KN/KNA-AR - Cooperation Between the School and Law Enforcement Agencies, Appendix A, "No Notice/Emergency Circumstances Form" Notification Record) and the law enforcement officer~~

shall be solely responsible for notifying the parent or guardian following the interview as appropriate. *In either event, the law enforcement officer must sign and complete the district's Notification Record prior to the interview taking place, or, if exigent or emergency circumstances exist, prior to the officer leaving the school site. (Suggested change and addition per SD attorney)*

- ~~a. If the student's parent or guardian consents to the student being interviewed, the law enforcement officer shall complete and sign a "Verification of Parental/Guardian Consent Form" before the interview occurs. A completed form will be sent by the principal or his/her designee to the parent or guardian. (Refer to KN/KNA-AR - Cooperation Between the School and Law Enforcement Agencies, Appendix B, "Parental/Guardian Consent Form.") (No Appendix B included in KN/KNA-AR available online)~~
- ~~b. If the student's parent or guardian refuses to consent, the interview shall not take place unless the law enforcement officer represents that emergency or exigent circumstances justify an immediate interview. In such circumstances, before the interview occurs the law enforcement officer shall complete and sign a "No Consent/Interview Conducted Form," indicating that the parent or guardian refused to consent, and that emergency or exigent circumstances required an immediate interview of the student at the sole discretion of the law enforcement officer. A completed form will be sent by the principal or his/her designee to the parent or guardian. (Refer to KN/KNA-AR - Cooperation Between the School and Law Enforcement Agencies, Appendix C, "No Consent/Interview Conducted Form.") (No Appendix C included in KN/KNA-AR available online)~~
- ~~c. If the law enforcement officer is unable to make contact with the parent or guardian through reasonable efforts, it will be within the law enforcement officer's sole discretion, based on his or her knowledge of emergency or exigent circumstances, whether or not to conduct the interview with the student. In such circumstances, before the interview occurs the law enforcement officer will complete and sign the "No Contact Possible/Interview Conducted Form." A completed form will be sent by the principal or his/her designee to the parent or guardian. (Refer to KN/KNA-AR - Cooperation Between the School and Law Enforcement Agencies, Appendix D, "No Contact Possible/Interview Conducted" form.) (No Appendix D included in KN/KNA-AR available online) (deletion of 2(b), (c) and (d) from SD attorney)~~
3. Ordinarily, ~~the~~ principal or staff member may be present during an interview of a student by ~~police~~ law enforcement. Exceptional circumstances may make this inappropriate. Upon a request from the student, or if the officer insists that the circumstances of the investigation make such presence inappropriate, a staff member should not be present.
4. School personnel may not require that a student answer an officer's questions. School personnel have no authority to waive the student's constitutional right to remain silent or have an attorney, and if a student possesses sufficient understanding to effectively waive these rights, he/she does not need any assistance from others to do so. If he/she does not understand, or is too immature to understand, then the only source of a waiver should be from his/her parents or guardians. ~~On the other hand,~~ School personnel have no obligation, and ~~ordinarily~~ should not assume, to interfere with ~~the~~ ~~an~~ officer's conducting ~~of the~~ ~~an~~ interview. The student's parents will be notified, if possible, prior to interview by a law enforcement officer.
5. If an officer comes to arrest a student and has a warrant or summons for that purpose, it is appropriate that school personnel, and all others, aid in the apprehension and detention of that student. School officials should determine from the law enforcement officer any special

considerations for bringing the student to the office for the interview: ~~for example, will the suspect/student fight or flee?~~ To maximize safety of the student-suspect, other students, faculty and staff, the administrator should seek and follow guidance provided by the law enforcement officer.

6. Whenever a student is arrested and taken from the school, it is the statutory responsibility of law enforcement to notify the parent/guardian of the charge and location of the arrested juvenile; however, a reasonable effort shall be made by school authorities to inform the student's parent of the arrest, charges as they are known and the officer's name and agency who took the student into custody.
7. Staff will treat the fact that an investigation is occurring and the facts resulting from the investigation as confidential.

### **Serving of Subpoenas in Schools**

Since a private individual who holds a court's subpoena to be served upon a student is in many respects an officer of the court in that capacity, cooperation must be offered to him/her to the extent of an opportunity to deliver that subpoena to a student over 14 years of age **occurs** during the school day. The subpoena server may be requested to wait to serve that subpoena until the student has completed a class period or until such other time as service will not interfere with the school program. The right to serve a subpoena to those over 14 years of age does not mean, ~~however~~, that the individual be permitted to interview the student: ~~indeed~~, he/she may do so only according to other provisions governing contact with students in the school.

A ~~school~~ staff member should be present when the subpoena is served to ensure that the subpoena server does not exceed his/her grant of right.

### **END OF POLICY**

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#### **Legal Reference(s):**

[ORS 329.150](#)  
[ORS 419B.015](#)  
[ORS 419B.045](#)

Letter Opinion, Office of the Attorney General (August 18, 1986).  
Greene v. Camreta, 588 F.3d 1011 (9th Cir. 2009), vacated in part by, remanded by Camreta v. Greene, 131 S. Ct. 2020 (U.S. 2011); vacated in part, remanded by Greene v. Camreta 661 F. 3d 1201 (9<sup>th</sup> Cir. 2011).