

**BOARD OF EDUCATION POLICY**

<b>Code:</b> <b>445</b>	<b>Title:</b> <b>STUDENT QUESTIONING BY NON-SCHOOL PERSONNEL</b>	<b>Adopted:</b> <b>8/13/1991</b>	<b>Last Revised:</b> <b>7/10/2018</b>
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**School Resource Officer**

The School Resource Officer (SRO) has a unique role in the District. Communication between the SRO and students, as well as conversations, shall not be considered “questioning” or “investigative interviews” in this policy. The School Resource Officer may play a role in an investigation within the District, which may or may not lead to student discipline or law enforcement action.

The District’s SRO shall operate in accordance with the terms of his/her role, State Law, and School Board Policy. In conducting investigations, interrogating students, and questioning students, the SRO shall operate under the policies of the Board of Education. He (she) does not need prior parental approval before questioning students. However, should the SRO investigation lead to non-school related criminal charges, “normal” law enforcement rules and procedures must be followed.

**Non-School Personnel**

All non-school personnel shall comply with the following procedures when working with students.

School officials shall cooperate with appropriate law enforcement and other outside agencies regarding the interview, investigation, interrogation, search and/or arrest of students on school property owned, controlled or supervised by the District, according to established procedure. Generally, outside agency personnel will be expected to follow these guidelines when interviewing students at school and during school hours:

1. The principal or designee must be informed of all student interviews conducted at school. All such student interviews shall be held as discreetly as possible.
2. A District employee may be present during student interviews with outside agency personnel unless the student or minor student's parent or guardian requests otherwise. An employee’s presence during a law enforcement officer’s interview may be permitted as determined appropriate by the principal or designee and consistent with law enforcement agency standards and applicable legal requirements. Outside agency personnel conducting child abuse or neglect investigations may, in the exercise of professional judgment and in accordance with agency standards, exclude district employees from interviews.
3. Law enforcement personnel will communicate with administration but shall ultimately be responsible for determining if, when, and how parents will be communicated with regarding a student interview or investigation.
4. Social workers and counselors from agencies outside the school shall counsel with a student only upon receipt of permission to do so by either the parent/guardian or the agency holding legal custody. The District’s social worker may communicate with a student, as counselors do, without parent permission in the course of their duties.
5. Social workers and counselors from agencies other than the school shall not remove a student from the school building while the student is properly in attendance without the written permission of the parent or guardian, or unless 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. ☐
6. Law enforcement personnel may take a student into custody while he or she is in school as authorized by law. The building principal shall be notified of such action and it should be done

with as much discretion as possible.

7. If a student is arrested during the course of the school day due to illegal activity, the building administrator shall communicate with the parent or guardian.
8. If a student is in a state of emergency, as defined in §51.15 Wisconsin Statutes (that is, that the student is mentally ill, drug dependent or developmentally disabled and there is substantial probability of physical harm, either to himself or to herself or to others), a law enforcement officer or other authorized person, has the right to remove the student from the school and place him/her in emergency detention, without seeking parental approval. ☐

### **Warrants**

If law enforcement officer is in possession of a valid warrant, school officials shall in no way interfere with the officer's execution of the warrant. District officials shall not attempt to evaluate the sufficiency of probable cause upon which the warrant is based.

In the event a law enforcement officer seeks to execute a warrant on school grounds, the officer is to be directed to building administration. The administration shall attempt to assist in executing the warrant by directing the student to report to the office. The school administration shall then (1) contact the student's parent/guardian if the student is a minor; and (2) contact the superintendent. This process shall be followed unless the law enforcement official states that s/he has reason to believe that the subject of the warrant poses an immediate threat to the health and safety of others while in the school. In such a case, school officials shall grant access to the facility for execution of the warrant.

Ref: WI Statutes § 48.19, 48.57(1)(a), 48.981(2), 51.15