

## COMMUNITY RELATIONS

### Working Relationships with Law Enforcement, Child Protective Services and the County Health Department

~~Although~~ To minimize interruption to the instructional program, the district discourages questioning interviews and interrogations of students on school premises. ~~When the circumstances warrant an onsite interview/interrogation, staff will follow the protocols in this procedure. as an exercise of their legal authority, a law enforcement officer, child protective services worker, or health department official may conduct necessary questioning of students on school premises as follows:~~

#### I. Entry to a School

- a. A law enforcement officer (e.g., police officer, sheriff deputy, and immigration agent), child protective services worker, or health department official shall contact the principal or designee upon entering a school building and present proper identification.
- b. School building administrative personnel will cooperate as specified below, treating interviews of students as witnesses, victims, and suspects differently.

#### II. Interview of Student Witness/Victim of Criminal Activity

- a. Students of any age who are witnesses to a crime or victims of a crime may be interviewed without parent/guardian consent.
- b. Should it become apparent during a witness/victim interview that the student under the age of twelve (12) years of age is the suspect of a crime, law enforcement shall immediately stop questioning until parental consent is obtained.
- c. The principal or designee will make a reasonable effort to notify the parent/guardian of the interview if, in the opinion of the law enforcement officer(s), the notification will not hinder the investigation. By law, the principal or designee may not prevent the interview and will so inform the parent/guardian.
- d. When prior notice has been given to the parent/guardian, the principal or designee will convey any expression of objection by the parent/guardian about the interview to the law enforcement officer(s).
- e. If the parent/guardian is not present for the interview, the principal or designee will be present unless the student specifically requests otherwise.

#### III. Interview of Student Witness/Victim, Child Abuse or Neglect Investigation

- a. Students of any age who are witness to, or victims of, abuse or neglect may be interviewed so long as the interviewer obtains the student's consent in the presence of the principal or designee. A student may not be interviewed without their consent unless the interviewer has a warrant or determines that exigent circumstances exist.
- b. Should it become apparent during a witness/victim interview that the student under twelve (12) years of age is the suspect of a crime, law enforcement shall immediately stop questioning until parent/guardian consent is obtained.

- c. The principal or designee will make a reasonable effort to notify the parent/guardian about the interview if, in the opinion of the law enforcement officer(s), the notification will not hinder the investigation.
- d. When the parent/guardian has been given prior notice, the principal or designee will convey any expression of objection by the parent/guardian about the interview to the law enforcement officer(s).
- e. If the parent/guardian is not present, the principal or designee will be present unless the student specifically requests otherwise.
- f. If the principal or designee believes the student is being intimidated, threatened, or coerced they may request to take a break and make those concerns known to the interviewer. The principal or designee can then decide whether to continue, temporarily suspend, or terminate the interview.
- g. The school will document the date, time, place, interview length, student name, consent to be interviewed, the interviewer, and any additional parties present.

#### IV. Interview of Student Suspect of Criminal Activity

- a. Student suspects under the age of twelve (12) may be interviewed only with parent/guardian consent.
- b. Washington State law permits students twelve (12) years and older, who are suspects of a crime, to be interviewed without parent/guardian consent.
- c. The principal or designee will make a reasonable effort to notify the parent/guardian of the interview if, in the opinion of the law enforcement officer(s), the notification will not hinder the investigation. By law, the principal or designee may not prevent the interview from taking place and will so inform the parent/guardian.
- d. When prior notice has been given to the parent/guardian, the principal or designee will convey any expression of objection about the interview made by the parent/guardian to the law enforcement officer(s).

#### V. Interview of Student Sought by Health Department Officials

- a. The principal or designee will permit a health department official to conduct a confidential interview with a student suspected of being in contact with an individual infected with a communicable disease when the interview is during school hours, and the principal or designee chooses not to release the student to travel to the health department.

#### VI. Interview of Student Sought by Immigration Agents

- a. Everett Public Schools' obligation to educate does not consider immigration status. Therefore, the district will not ask for, or record, a student's or family member's immigration status. If a student or family member self-discloses their immigration status, no record shall be kept of the disclosure.
- b. If an immigration agent requests access to a student or a school site, staff shall deny immediate access, alert the principal or designee, and forward the request to the superintendent and/or general counsel for review.

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- c. The superintendent and/or general counsel shall ask for the immigration agent's credentials, ask the agent why the agent is requesting access, and ask to see a warrant.
- d. To be valid, the warrant must state the purpose of the interview, identify the search location, reference a specific person, include an accurate date, and be signed by a federal or state judge.
- e. Immigration agents must also provide written authority, instructing them to enter district property, and for what purpose from one of the following Immigration and Customs Enforcement (ICE) officials, the Assistant Director of Operations, Homeland Security Investigation (HIS), the Executive Associate Director (EAD) of HIS, the Assistant Director for Field Operations, Enforcement and Removal Operations (ERO), or the EAD of ERO.
- f. Upon receipt and examination of the required information, the superintendent and/or general counsel will determine whether immigration agents will be allowed to contact or question the individual named on the warrant and will communicate that decision to the principal or designee.
- g. The superintendent and/or general counsel or designee will make a reasonable effort to notify the parent/guardian of the interview.
- h. The superintendent and/or general counsel, principal or designee will ask to be present during the interview and ensure the agents are not given access to information, records, or areas beyond that specified in the warrant.

## VII. Access to Student Records

- a. If the parent/guardian or student over eighteen (18) years of age has not filed a written objection to the release of directory information, a law enforcement officer, child protective services worker, or health department official may request and be granted such directory information as designated in [Policy 3600](#) and [Procedure 3600P](#). The actual residential addresses of participants in the state Address Confidentiality Program are not available for release as directory information. Social Security numbers, student identification numbers (with authentication factors such as a secret password or personal identification number) and/or other personally identifiable information are not considered directory information.
- b. Student records protected by the federal Family Educational Rights and Privacy Act (FERPA) may only be examined or released following written permission of a minor student's parent/guardian or an adult student, pursuant to a court order or subpoena, or in response to a health or safety emergency.

## VIII. Taking a Student into Custody

- a. In a criminal matter, an officer is not required to have a warrant in order for the principal or designee to release the student into law enforcement custody but shall be requested to sign a school district form stating that the officer is removing the student from school.

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In the event a student is taken into custody by law enforcement, the principal or designee will make immediate reasonable effort to notify the parent/guardian unless directed not to by the law enforcement officer because child abuse or neglect is alleged against the parent/guardian, or some other similar, specified reason exists for prohibiting notification.

- b. School authorities may request that the law enforcement officer put their reasoning for denial of parent/guardian notification into writing.
  - c. A student may not be taken into custody at school on a truancy petition.
  - d. Immigration agents are required to have a subpoena or warrant signed by a judge in order for the district to release a student into custody.
- ~~1. When it is represented by the officer, worker, or official that such questioning cannot reasonably be accomplished other than on school district premises or when, upon the request of school officials, law enforcement officers are assisting in an investigation regarding a school-related complaint.~~
  - ~~2. The principal or designee will establish the educationally best time for an interview if it is to take place at school, with consideration for any urgent health and safety needs of the student.~~
  - ~~3. The principal or designee will notify the parent/guardian of any student who is interviewed by a law enforcement officer, child protective services worker, or health department official unless:~~
    - ~~• To do so would pose a health or safety risk for the student; or~~
    - ~~• Specifically directed not to do so by the law enforcement officer or child protective service worker conducting a child abuse/neglect investigation.~~
  - ~~4. Where notification is to occur, the principal or designee shall attempt to notify the parent/guardian before the interview commences.~~

~~When an onsite interview is warranted by the circumstances of the case, the following protocols will be used.~~

## ~~Protocol for Interviews in Child Abuse or Neglect Investigations~~

~~In conducting an investigation of alleged child abuse or neglect, law enforcement or child protective services may interview students at school. School personnel will not make a student available for an investigative interview unless the student consents to the interview, as described below. In these interviews, the following protocol will be used:~~

### ~~1. Principal Contact~~

~~A law enforcement officer or child protective services worker shall contact the principal or designee upon entering a school building.~~

### ~~2. Directory Information~~

~~A law enforcement officer or child protective services worker may request and be granted such non-confidential student directory information as permitted by district [Policy 3250](#) unless the parent/guardian or adult student has filed a written objection to the release of directory information. Student records protected by the federal [Family Educational Rights and Privacy Act \(FERPA\)](#) may only be examined or released:~~

- ~~a. Following the written permission of a minor student's parent/guardian;~~
- ~~b. Following written permission of an adult student;~~
- ~~c. Pursuant to a court order or subpoena; or~~
- ~~d. In response to a health or safety emergency.~~

### 3. Parent/Guardian Notification

~~If the parent/guardian is not suspected of child abuse or neglect of the student, parent/guardian notification of the interview must occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. If the law enforcement officer or child protective services worker is unable to contact the students' parent/guardian after a reasonable period of time, the law enforcement officer or child protective services worker may proceed with the interview. If the law enforcement officer or child protective services worker indicates to the principal or designee that the parent/guardian is suspected of child abuse or neglect of the student, parent/guardian notification will not be required.~~

### 4. Student Consent

~~The law enforcement officer or child protective services worker, in the presence of the principal or designee, will first obtain the student's consent to be interviewed. If the student does not consent to be interviewed, the principal or designee will request that the law enforcement officer or child protective services worker cease communicating with the student and the interview will not take place on school premises, unless the law enforcement officer or child protective services worker has determined that exigent circumstances exist to conduct the interview or has a warrant authorizing the interview.~~

### 5. Presence of a Third Party

~~Prior to commencing the interview, the law enforcement officer or child protective services worker will, in the presence of the principal or designee, determine whether a student wishes an adult third party to be present for the interview and, if so, will make reasonable efforts to accommodate the student's wishes unless, in the opinion of the law enforcement officer or child protective services worker, the presence of the third party would jeopardize the course of the investigation.~~

### 6. Role of Third Party

~~If the student elects to have an adult third party present in the interview, the principal or designee will, prior to the interview, inform the third party of their role as an observer in the process. The principal or designee will instruct the third party not to speak to, coach, or provide non-verbal cues to the student or otherwise interfere with the questioning of the student. The principal will also instruct the third party as to his/her duty to keep all aspects of the interview confidential. If a third party present during the student interview believes that the student is being intimidated, threatened or coerced during questioning, that the student is unaware that he or she is free to leave the interview at any time, or that the student is in physical or emotional distress, he/she may request that a break be taken. During the break, the third party may share outside the presence of the student his/her concerns with the law enforcement officer or child protective services worker and the principal or designee. Based on this information, the principal or designee will determine whether to request that the interview be temporarily suspended or that it be terminated.~~

**7. ~~Section 504/IEP Student~~**

~~If a student has an aide as part of his/her IEP or Section 504 plan and requests that a third party be included in an interview, the interview may include the student's aide in addition to the third party.~~

**8. ~~School Employees as Third Party~~**

~~Any school employee requested by a student to attend an interview may decline to attend. The student will then be permitted to choose another third party. In the event no school employee or other third party wishes to attend the interview, the principal or designee will attend the interview.~~

**9. ~~Record of the Interview~~**

~~The principal or designee shall keep a written record of the date, time, place, and length of the interview; the student's name and consent to be interviewed; and the name and position of the interviewing officer, and any third parties present.~~

**10. ~~Removal of the Child from School~~**

~~A child protective services worker is required to have:~~

- ~~• A court order;~~
- ~~• A Voluntary Placement Agreement; or~~
- ~~• A law enforcement exercise of custody and transfer of custody to child protective services in order for the school to release custody of the student.~~

**11. ~~Release of the Child to Law Enforcement~~**

~~A law enforcement officer, upon proper identification, may exercise his/her legal authority to remove a student from school when he/she considers it appropriate under the law and if he/she assumes responsibility for the student. The law enforcement officer is not required to have a warrant in order for the principal or designee to release the student into the officer's custody, but shall be requested to sign a school district form stating that he/she is removing the student from school. In the event a student is taken into custody by law enforcement, the school will immediately notify the parent/guardian unless:~~

- ~~• Directed not to do so by law enforcement because a case of child abuse or neglect is alleged against the parent/guardian; or~~
- ~~• Some other similar, specified reason exists for prohibiting notification. The principal or designee will request that this prohibition and the reasons for it be put in writing by the officer.~~

**Protocol for Law Enforcement Interviews not Involving Child Abuse or Neglect Investigations**

**1. ~~Principal Contact~~**

~~Law enforcement shall contact the principal or designee upon entering a school building.~~

## 2. Directory Information

~~Law enforcement may request and be granted such non-confidential student directory information as permitted by [Policy 3250](#) unless the parent/guardian or adult student has filed a written objection to the release of directory information. Student records protected by [FERPA](#) may only be examined or released:~~

- ~~• Following written permission of a minor student's parent/guardian;~~
- ~~• Following written permission of an adult student;~~
- ~~• Pursuant to a court order or subpoena; or~~
- ~~• In response to a health or safety emergency.~~

## 3. Parent/Guardian Notification

~~If the student is under 12 years of age, the parent/guardian must be notified and grant permission for the interview before any interview may take place unless the law enforcement officer has a warrant or a court order or the officer stipulates that exigent circumstances exist.~~

~~If the student is 12 years of age and over, the principal or designee will make a reasonable effort to contact the parent/guardian prior to the interview or as soon as possible thereafter.~~

## 4. Proceeding with the Interview

~~If the principal or designee is unable to reach the parent/guardian after a reasonable period of time, law enforcement may nevertheless proceed with the interview if the student consents or when, in the judgment of the officer, an emergency exists and further delay would impair the handling of that emergency. The officer will advise the student of and afford the student all legal rights required by law and the right to have a parent/guardian present during the questioning. The principal or designee shall be present during the interview if the student's parent/guardian is not available.~~

## 5. Release of the Child to Law Enforcement

~~A law enforcement officer, upon proper identification, may exercise his/her legal authority to remove a student from school when he/she considers it appropriate under the law and if he/she assumes responsibility for the student. The law enforcement officer is not required to have a warrant in order for the principal or designee to release the student into custody, but shall be requested to sign a school district form stating that he/she is removing the student from school. In the event a student is taken into custody by law enforcement, the principal or designee will immediately notify the parent/guardian unless:~~

- ~~• Prohibited by law enforcement because a case of child abuse or neglect is involved; or~~
- ~~• Some other similar, specified reason exists for prohibiting notification. The principal or designee will request that this prohibition and the reasons for it be put in writing by the officer.~~

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## **Protocol for Interviews by Health Department Officials in Infectious Disease Investigations**

### **1. Principal Contact**

~~A health department official will contact the principal or designee upon entering a school building.~~

### **2. Directory Information**

~~A health department official may request and be granted such non-confidential student directory information as permitted by [Policy 3250](#) unless the parent/guardian or adult student has filed a written objection to the release of directory information. Student records protected by [FERPA](#) may only be examined or released:~~

- ~~• Following written permission of a minor student's parent/guardian;~~
- ~~• Following permission by an adult student;~~
- ~~• Pursuant to a court order or subpoena; or~~
- ~~• In response to a health or safety emergency.~~

### **3. Confidential Interview**

~~The principal or designee will permit a health official to conduct a confidential interview during school hours with a student suspected of being in contact with an individual infected with an infectious disease if the principal or designee chooses not to release the student to travel to the health department.~~

Cross Reference:

[Board Policy 4411](#)

Working Relationships with Law Enforcement, Child Protective Services and the County Health Department

Adopted: September 1981  
Revised: June 1999  
Revised: August 2000  
Updated: November 2001  
Updated: January 2012  
Revised: March 2014  
Revised: March 2018  
**PROPOSED: January 2019**





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### REMOVAL OF A STUDENT FROM SCHOOL BY LAW ENFORCEMENT

Upon proper identification, a law enforcement officer may exercise legal authority to remove a student from school when authorized by law and if the officer assumes responsibility for the student. A warrant is not required for the building administrator to release a student into the officer's custody. The law enforcement officer shall be requested to complete this form prior to removing a student from school. The building administrator will immediately notify the parent/guardian **unless directed not to do so by law enforcement**. If directed not to contact the parent/guardian, the building administrator will request that the officer list the reasons in writing prior to removing a student from school.

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Officer: _____	Badge Number (if applicable): _____
Agency: _____	Warrant # (if applicable): _____
Position: _____	Division: _____
Student: _____	DOB: _____
School: _____	Student ID Number: _____

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#### **Action by Law Enforcement Officer** (check all appropriate boxes)

- ☐ **Custody Transfer Request:** I request that \_\_\_\_\_ transfer custody of the  
Building Administrator Name  
above named student to me for removal from school. The law enforcement agency assumes full  
responsibility for the student while **they he/she** is in our custody.

Officer's Signature: \_\_\_\_\_ Date \_\_\_\_\_ Time: \_\_\_\_\_

- ☐ **Parent/Guardian Notification:** I understand it is the policy of Everett Public Schools to make a reasonable effort to notify the parent/guardian **before** a student is taken into custody. By checking this box, I am indicating that because of the special circumstances of this investigation, I have directed the school **not** to contact the student's parent/guardian. My agency will notify the student's parent/guardian, as appropriate in accordance with applicable law.

**IF THIS BOX IS NOT CHECKED, THE SCHOOL WILL IMMEDIATELY NOTIFY THE PARENT/ GUARDIAN.**

Reason(s) for prohibiting notification of the parent/guardian: \_\_\_\_\_  
\_\_\_\_\_

Signature by Officer: \_\_\_\_\_ Date \_\_\_\_\_ Time: \_\_\_\_\_

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#### **Action by Building Administrator Regarding Parent/Guardian Notification** (check only one box)

- ☐ Parent/guardian **not** notified as directed by law enforcement officer.
- ☐ Parent/guardian notified on (date/time): \_\_\_\_\_
- ☐ Attempt(s) to notify parent/guardian made on (date/time): \_\_\_\_\_

\_\_\_\_\_  
School Administrator's Name

\_\_\_\_\_  
School Administrator's Signature

\_\_\_\_\_  
Date

**Distribution:** Place original form in student's school file and provide copy to the law enforcement officer.

Adopted: June 2017

Upon proper identification, a Child Protective Services worker may remove a student from school if they have a: court order; **or** Voluntary Placement Agreement; **or** a law enforcement exercise of custody and transfer of custody to Child Protective Services. The building administrator will not release a student into the Child Protective Services worker custody unless one of the above requirements is met. The Child Protective Services worker shall complete this form prior to removing a student from school. The building administrator will immediately notify the parent/guardian **unless the parent/guardian is suspected of abuse or neglect**. If directed not to contact the parent/guardian, the building administrator will request that the worker list the reasons in writing prior to removing a student from school.

Worker: \_\_\_\_\_ Badge/ID Number (if applicable): \_\_\_\_\_

Agency: \_\_\_\_\_ Location/Address: \_\_\_\_\_

Student: \_\_\_\_\_ DOB: \_\_\_\_\_

School: \_\_\_\_\_ Student ID Number: \_\_\_\_\_

☐ **Custody Transfer Request:** I request that \_\_\_\_\_ transfer custody of the \_\_\_\_\_  
Building Administrator Name  
above named student to me for removal from school. The Child Protective Service agency assumes  
full responsibility for the student while ~~they~~ he/she is in our custody.

Worker's Signature: \_\_\_\_\_ Date \_\_\_\_\_ Time: \_\_\_\_\_

- IF THIS BOX IS NOT CHECKED, THE SCHOOL WILL IMMEDIATELY NOTIFY THE PARENT/GUARDIAN.**

Reason(s) for prohibiting notice to the parent/guardian: \_\_\_\_\_

Signature by Worker: \_\_\_\_\_ Date \_\_\_\_\_ Time: \_\_\_\_\_

☐ Parent/guardian **not** notified as directed by Child Protective Services worker.

☐ Parent/guardian notified on (date/time): \_\_\_\_\_

☐ Attempt(s) to notify parent/guardian made on (date/time): \_\_\_\_\_

School Administrator's Name	School Administrator's Signature	Date
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Adopted: June 2017