**5022**

**Investigations, Arrests, and Other Student Contact by Law Enforcement and Health and Human Services**

[**NOTE TO BE DELETED BEFORE ADOPTION**: This policy describes the manner that the school will handle investigations and arrests by law enforcement officers. This is one you will need to review in detail with your board. There are several legal options for dealing with your interaction with law enforcement. This version of the policy is most protective of student or family rights and grants the least amount of access to students by law enforcement. If the policy doesn’t reflect your practices, we can work with you to modify the policy to fit the legal requirements and your district’s practices.]

The school district and its administrators and staff desire to maintain a positive working relationship with law enforcement officers and other representatives of governmental bodies in the discharge of their duties. However, this desire must be balanced against other equally important factors such as a student’s legal rights, ensuring that a student’s time spent in school is for education, and acknowledging that the school stands *in loco parentis* to the students.

“Law enforcement officer” means police officers, county sheriffs, state patrolmen, Health and Human Service workers, Child Protective Services workers, Office of Juvenile Services workers, probation officers, U.S. Immigration and Customs Enforcement (ICE) agents, Federal Bureau of Investigations agents, or any other government investigatory workers.

“Parent” means the biological or adoptive mother or father, guardian, responsible relative, or any other person who has claimed legal or actual charge or control of the student pursuant to Nebraska law or Title 92 Nebraska Administrative Code Chapter 19.

Contact between the school and law enforcement officers on matters involving students shall be made through the office of the superintendent or building principal and the law enforcement officer. All reasonable attempts should be made to avoid embarrassing the student before his or her teachers and peers, and to avoid disrupting the student’s and school’s education program.

School staff will promptly notify the superintendent when a student is arrested or removed from school grounds by law enforcement officers.

**Interviews and Questioning**

Law enforcement officers will not be allowed to question or interview students on school grounds at any time or for any reason.

**Taking a Student into Custody**

Law enforcement officers seeking custody of a student must contact the superintendent or building principal. The principal will request the arresting law enforcement officer to provide a copy of the arrest warrant, written parental consent, court order, or other document giving authority to take the student into legal custody. If there is no document presented, the principal should obtain the officer’s name, badge number identifying the law enforcement agency, date, time, the reason for the arrest, and the place to which the student is reportedly being taken. Whenever practicable, the arrest or release of the student should be conducted in a location and in a manner that minimizes observation by others.

When a law enforcement officer removes a student from the school, the building principal will take immediate steps to notify the parent about the student’s removal and the place to which the minor is reportedly being taken, except when a minor has been taken into custody as a victim of suspected child abuse.

**Child Abuse and Neglect**

If a law enforcement officer decides to remove a student from school, school officials shall provide the law enforcement authorities with the address and telephone number of the student’s parent or guardian. The principal or other school official shall, as a condition of releasing the student to the law enforcement officer, require the officer to sign the attached statement certifying that the child is being removed from school premises because he or she is believed to be the victim of child abuse and that the officer understands and will comply with the legal requirements of Neb. Rev. Stat. § 79-294.

**Student Records**

Student records will be shared with law enforcement officers only as allowed by state and federal law.

Adopted on: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Revised on: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Reviewed on: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_