



Access to Students by Law Enforcement and DCFS
Policy Series: 7000 Community

Policy No. 7300
Procedure 1

I. Purpose:

This policy outlines the recognition of authority and procedures by the Provo City School District ("PCSD") for law enforcement and the Utah Department of Division of Child and Family Services ("DCFS") personnel wishing to have access to students when at school.

II. Definitions

- A. Students - Children who are considered students of record in PCSD by being enrolled in PCSD through the proper registration process and who have an active entry record, with no active withdrawal record, in the PCSD student information system.
- B. Parent/Legal Guardian - A natural or adoptive parent or court appointed legal guardian of a student who is currently enrolled and attending classes in PCSD.
- C. School Personnel - Individuals who are assigned to provide education and educational-related services to students in PCSD, to include, but not limited to administrators, teachers, counselors, social workers, therapists, teacher assistants, paraeducators, and school resource officers (SROs).
- D. Local Education Agency (LEA) Personnel - Individuals who are assigned by PCSD to provide LEA level support to schools.
- E. School/LEA Administrator - Principal or their designee or Superintendent or their designee
- F. Law Enforcement Interview - An interview conducted by any Law Enforcement officer or state agency employee investigating alleged criminal behavior. This includes interviews by SROs only when the purpose of the interview is criminal investigation and prosecution. It does not include interviews by SROs for school discipline purposes, acting to maintain school safety, or interactions for training,

counseling, performing outreach, assisting with or teaching crime prevention programs, and acting as a positive role model

G. Department of Children and Family Services - A child welfare agency that works to keep children safe from abuse and neglect

H. Investigation - The act or process of examining a crime, problem, statement, etc. carefully, especially to discover the truth

III. General Rules

A. Schools are places where students are provided education and education-related services. School personnel providing these services have access to students at school as needed to perform their various functions. School personnel and/or LEA personnel will contact a parent/legal guardian after communicating with a student when the student is receiving formal discipline, such as a suspension, or in a case where a student's health or safety may be at risk.

B. In circumstances where School personnel and/or LEA personnel reasonably suspect that unlawful activity or abuse or neglect has occurred involving a student, law enforcement and/or DCFS will be called to investigate the matter.

1. Law enforcement/DCFS personnel follow agency protocols for notifying parents/legal guardians to inform them of an investigation.
2. It is not the responsibility of PCSD to notify parents/legal guardians of such investigations.

C. Outside of the educational program, schools are not places to be used by governmental or private entities to locate or otherwise access students for the sake of convenience. Arresting, detaining, or questioning students for non-school-related issues may be allowed in the circumstances set forth in this policy, in circumstances involving health or safety risks or if a student causes actual or potential disruption or danger to themselves, other students, or the school. However, schools are not a forum for interviews of students or investigations for non-school-related issues. PCSD only allows law enforcement agencies to have access to students if they have proper documentation or if an immediate threat to safety exists.

IV. Cooperation with Law Enforcement and DCFS Personnel

PCSD recognizes that cooperation with law enforcement/DCFS personnel is essential in matters affecting the health, welfare, and safety of students and the community. Nothing

in this policy is intended to obstruct the ability of law enforcement/DCFS personnel to discharge their duties.

V. Law Enforcement Access to Students

A. When law enforcement seeks or has requested a school/LEA administrator to interview a student at school for law enforcement purposes:

1. The school/LEA administrator and law enforcement officer shall meet to identify or confirm the student sought to be interviewed, and identify or confirm the reason(s) for the interview;
2. The school/LEA administrator shall make a written record of the law enforcement officer's request, including presentation of any legal process such as subpoenas or warrants, unless the school had initiated the request for the interview (Notification of Interview Form);
3. The school/LEA administrator shall verify the identity of the law enforcement officer, if not known by the school/LEA administrator, by checking and photocopying the officer's picture identification card, unless the law enforcement officer is in uniform (Notification of Interview Form).

B. The school/LEA administrator should provide law enforcement personnel with immediate access to students for law enforcement interviews under the following conditions:

1. The law enforcement officer presents a warrant, subpoena, or legal order that cannot be effectively executed outside of school hours;
2. Exigent circumstances exist. Examples of exigent circumstances include, but are not limited to:
 - a. Law enforcement personnel are in pursuit of a suspect on school property;
 - b. Any person is in serious imminent danger;
 - c. Law enforcement personnel have a reasonable belief that evidence is about to be destroyed; and/or
 - d. Law enforcement personnel need to act promptly to prevent flight from the jurisdiction by a person suspected of serious criminal activity.
3. The law enforcement officer is investigating allegations of child abuse or child neglect (see section VII).

C. If law enforcement interviews a student under any of the above conditions, then law enforcement has the responsibility of notifying the student's parent/legal guardian to its own policies and procedures.

127 D. In the absence of any of the circumstances listed above section V.:

- 128 1. The school/LEA administrator may use their discretion to decide if the
129 interview should proceed. In determining whether to allow an interview,
130 the school/LEA administrator should consider relevant factors, including,
131 but not limited to the following:
 - 132 a. Whether the law enforcement officer could return later;
 - 133 b. The age and maturity of the student. Absent compelling
134 circumstances and circumstances where law and this policy
135 dictate otherwise, PCSD presumes that students under the age of
136 fourteen (14) should not be interviewed without the consent of a
137 parent/legal guardian;
 - 138 c. The extent of interruption to the student's school day;
 - 139 d. The nature of the proposed interview, i.e. whether the student is a
140 nonsuspect witness or a suspect; and
 - 141 e. Any potential negative effects on the school community caused by
142 allowing the interview.
- 143 2. Interviews of students by law enforcement personnel about matters
144 unrelated to school should generally be conducted away from school after
145 school hours.
- 146 3. If the school/LEA administrator determines an interview for matters
147 unrelated to circumstances listed in section V. should go forward at that
148 time, the school/LEA administrator should attempt to notify a parent/legal
149 guardian of the request for an interview, and document, in writing that
150 attempt (Notification of Interview Form).
- 151 4. If a parent/legal guardian is contacted, and the parent/legal guardian
152 conditions consent on being present, then absent exigent circumstances,
153 the interview should be delayed until the parent/legal guardian arrives.
154 Add
- 155 5. If a parent/legal guardian cannot be contacted, the school/LEA
156 administrator must decide whether to allow the interview to proceed
157 without parent/legal guardian notification. Typically, without parent/legal
158 guardian notification or consent, interviews should only go forward when
159 the student is a non-suspect witness to a school related incident that
160 occurred on or off school property and to obtain important information
161 leading to safety issues.
- 162 6. If the school/LEA administrator is unable to contact a parent/legal
163 guardian pre-interview and the interview goes forward, the school/LEA
164 administrator shall inform a parent/legal guardian, in the most direct
165 manner possible, following the interview of the name of the officer
166 conducting the interview and the time, date, and duration of the interview
167 (Notification of Interview Form).
- 168 7. If the student refuses to speak to law enforcement, the interview may not
169 proceed on school grounds.

- 170 8. If the interview is conducted, the school/LEA administrator should be
171 present during the entire interview, unless the student requests otherwise.
172 9. Interviews should be conducted in a non-heightened state to ensure the
173 validity of the information obtained.
174 10. Absent an emergency or circumstances justifying other action, all
175 interviews of students should be conducted in private, to avoid disrupting
176 school, protect the student's privacy, and preserve the integrity of the
177 investigation.
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180 **VI. School/LEA Administrator Involvement in Law Enforcement Interviews**
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- 182 A. The school/LEA administrator should document all interviews of students by a
183 law enforcement officer held in their presence using the Notification of Interview
184 Form. The form shall not be included in the student's cumulative file.
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186 B. The school/LEA administrator should request the law enforcement officer inform
187 the student if the student is a suspect in a crime, or if the student becomes a
188 suspect in a crime during the course of the interview.
189 1. Upon notification that the student has become a suspect, if the student's
190 parent/legal guardian have not been notified and parent/legal guardian
191 consent had not been obtained, the school/LEA administrator should
192 require that the interview cease and be conducted at the law Enforcement
193 agency's location, or that the interview cease until notification and
194 consent of a parent/legal guardian can be obtained by the law
195 enforcement agency, unless exigent circumstances exist.
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197 C. It is not the responsibility of the school/LEA administrator to advise the student of
198 their legal rights.
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200 D. The school/LEA administrator should not participate in the interview on behalf of
201 the law enforcement officer.
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203 E. If the student requests that the interview be terminated, the school/LEA
204 Administrator should require that the interview be terminated.
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207 **VII. Abuse and Neglect Investigations**
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- 209 A. DCFS and Law Enforcement Access to Students
210 1. State law authorizes law enforcement/DCFS personnel to meet with
211 Students at school to investigate allegations of child abuse and neglect.
212 2. The school/LEA administrator shall require positive identification from law
213 enforcement/DCFS personnel and keep a log of requests through

214 completion of the Notification of Interview Form. The form shall not be
215 included in the student's cumulative file.

- 216 3. Notice to parents/legal guardians of investigations are the responsibility of
217 law enforcement/DCFS personnel. Parent/legal guardian inquiries
218 concerning a DCFS investigation should be directed to the investigator.
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220 B. School Personnel/LEA Personnel Participation in Investigations

- 221 1. School personnel and/or LEA personnel should cooperate with
222 reasonable requests from law enforcement/DCFS personnel in child
223 abuse or neglect investigations, including requests to be present during
224 interviews with students. Students may also request the presence of
225 school personnel and/or LEA personnel or some other support person
226 during interviews. However, school personnel and/or LEA personnel have
227 no statutory duty or right to be present during the interviews.
- 228 2. School personnel/LEA personnel who agree to be present in an interview
229 should be careful to clarify with the investigator and student that their role
230 is to provide comfort and to observe— not to “protect the student's rights.”
231 The role of “protecting the student's rights” assumes an additional duty for
232 which school personnel and/or LEA personnel do not have statutory
233 authority and may not be prepared to perform.
- 234 3. When turning a student over to law enforcement/DCFS personnel, an
235 administrator should announce in the presence of the investigator and the
236 student something similar to the following: “I am turning this student over
237 to you in accordance with your request. You are responsible for taking
238 any steps necessary to protect the rights of this student, the parents/legal
239 guardians, and any other persons involved.
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242 **Legal References**

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244 **Board Approved:**
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