

Students

Administrative Procedure - Agency and Police Interviews

These procedures should be used in conjunction with the Ill. Council of School Attorneys' *Guidelines for Interview of Students* which is available at: www.iasb.com/law/icsaguidelines.cfm.

Interviews by Police

1. The Building Principal will check the police officer's credentials and any legal papers, such as, warrants for arrest, search warrants, or subpoenas to be served.
2. Administration will complete internal investigation steps of incidents and contact parents prior to contacting law enforcement when an event has no serious threat or safety concern.
3. Should law enforcement be called to the building with other services, such as ambulance services, law enforcement may work with administration to resolve any immediate health/life/safety concerns. Law enforcement may be asked by administration to leave the school during any initial student discipline interviews and investigatory actions by administration and return should any actions warrant law enforcement involvement with illegal activities or actions.
4. Interviews of minor students without permission of the parents/guardians are not permitted unless a legal process is presented or in emergency situations, which could include assertion of probable cause for arrest. The Building Principal will attempt to contact the student's parent/guardian, and inform him or her that the student is subject to an interview. In extreme emergency situations, DCFS employees, law enforcement personnel, or treating physicians may, in effecting temporary protective custody, request that the District not notify parents until the child's safety is ensured. The Building Principal should ask that such a request be made in writing. If possible, the parent/guardian will be given the opportunity to be present and be represented by legal counsel at his or her own expense.
5. Interviews will be conducted in a private setting. If a parent/guardian is absent, the Building Principal and one other adult witness, selected by the Building Principal, will be present during the interview.
6. Interview proceedings will be documented in writing for inclusion in the student's temporary records.
7. No minor student shall be removed from the school by the police officer without the consent of a parent/guardian, except upon service of a valid warrant of arrest, in cases of warrantless temporary protective custody or when probable cause for arrest exists. When a police officer has no warrant and asserts that probable cause exists, the Building Principal shall inform the police officer that removal of the student from the school will occur in the least disruptive setting as determined by the Building Principal. If a parent/guardian is absent, the Building Principal and one other adult witness, selected by

the Building Principal, will be present during the removal of the student from the school building.

Interviews by the Illinois Department of Children and Family Services (DCFS)

1. The Building Principal will check the agent's credentials and any papers pertaining to a legal process.
2. The Building Principal will attempt to contact the student's parent/guardian and inform him or her that the student is subject to an interview, if appropriate.
3. If the DCFS agent does not want parents/guardians notified or present during the interview, this stipulation should be in writing and signed by the DCFS agent.
4. Interviews will be conducted in a private setting. If a parent/guardian is absent, the Building Principal and one other adult witness, a member of the District staff, will be present during the interview.
5. The student may be removed from school by the DCFS agent if circumstances warrant. A local law enforcement agency officer, designated DCFS employee, or a physician treating a child may take or retain temporary protective custody of the child without the consent of the person responsible for the child's welfare, if: (1) he or she has reason to believe that the child's circumstances or conditions are such that continuing in his or her place of residence or in the care and custody of the person responsible for the child's welfare, presents an imminent danger to that child's life or health; (2) the person responsible for the child's welfare is unavailable or has been asked and does not consent to the child's removal from his or her custody; or (3) there is not time to apply for a court order under the Juvenile Court Act for temporary custody of the child. The person taking or retaining a child in temporary protective custody shall immediately make every reasonable effort to notify the person responsible for the child's welfare and shall immediately notify the Department.
6. No District employee may act as a DCFS agent.

LEGAL REF.: 55 ILCS 80/1 et seq., Children's Advocacy Center Act.
325 ILCS 5/1 et seq., Abused and Neglected Child Reporting Act.
720 ILCS 5/31-1 et seq., Interference with Public Officers Act.
725 ILCS 120/1 et seq., Rights of Crime Victims and Witnesses Act.