

INDEPENDENT SCHOOL DISTRICT 271
Bloomington, Minnesota

REQUEST FOR SCHOOL BOARD ACTION

DATE OF BOARD MEETING: April 8, 2019

SUBJECT: Revised Policy 915, Working Relations between
the District and Law Enforcement Authorities


ORIGINATING DEPARTMENTS: Community Relations

APPROVAL OF ADMINISTRATIVE
CABINET MEMBERS: Rick Kaufman
Executive Director, Community Relations

RESOLUTION FOR BOARD TO ADOPT:

RESOLVED, that the School Board of Independent School District 271 approves revised Policy 915, Working Relations between the District and Law Enforcement Authorities.

RECOMMENDATION OF SUPERINTENDENT:

Approve. 

DETAILED BACKGROUND:

The purpose of Policy 915 is to comply with all state and federal laws regarding law enforcement access to student records and to students while at school. In complying with these laws, the School Board is committed to protecting students' rights with respect to their education records and their person.

The accompanying regulation is presented for information. The regulation addresses roles and responsibilities for school administration and law enforcement authorities along with procedures for arrest, interview, and predatory offender registration and community notification.

The School Board's Policy Committee reviewed the revised policy at its meeting of March 19, 2019, and recommends approval.

District Legal Counsel, David Holman, has reviewed the proposed policy revisions.

Adopted: April 10, 2000
Board Revised: April 8, 2019 [Routine Review]
Contact person: Executive Director of Community Relations

**POLICY 915 WORKING RELATIONS BETWEEN THE DISTRICT AND
LAW ENFORCEMENT AUTHORITIES**

I. PURPOSE

To comply with all state and federal laws regarding law enforcement access to student records and to students while at school. In complying with these laws, the School Board is committed to protecting students' rights with respect to their education records and their person.

II. GENERAL STATEMENT OF POLICY

To govern the working relationship between the District and law enforcement authorities:

- A. The Superintendent and/or designee will ensure regulations are in place to address the role and responsibilities of the school administration and law enforcement authorities with respect to:
 - 1. Presence of law enforcement on school property;
 - 2. Law enforcement access to students and student records; and
 - 3. Law enforcement searches;

- B. All staff will develop and maintain cooperative working relationships with law enforcement authorities for the health, welfare and protection of students, staff and the community, and for safeguarding District property.

Adopted: April 10, 2000
Board Revised: April 8, 2019 [Routine Review]
Contact person: Executive Director of Community Relations

REGULATION 915 WORKING RELATIONS BETWEEN THE DISTRICT AND LAW ENFORCEMENT AUTHORITIES

A. School Administration/Law Enforcement Authorities Roles and Responsibilities

1. When law enforcement seek or are requested by school administration to conduct official business, or to interview a student at school about a school-related incident for law enforcement purposes:
 - a. School administration and law enforcement shall meet to identify or confirm the student sought to be interviewed, and identify or confirm the reason(s) for the interview.
 - b. School administration shall make a written record of the law enforcement request, including presentation of any legal process such as subpoenas or warrants, unless the school has initiated the request for the interview.
 - c. School administration shall verify the identity of the law enforcement personnel, if not known by the school administration, by checking the law enforcement personnel's picture identification card and if needed, verifying the identification with the local law enforcement agency, unless the law enforcement personnel is in uniform.
2. If an immigration authority requests access to a student, the school administration shall immediately direct them to the superintendent and/or designee.
3. School administration shall provide law enforcement authorities with immediate access to students for law enforcement purposes under the following conditions:
 - a. Law enforcement authorities present a warrant, subpoena, or legal order that cannot be effectively executed outside of school hours.
 - b. Exigent circumstances exist. Examples of exigent circumstances include, but are not limited to:
 - 1) law enforcement authorities are in pursuit of a suspect on school property;
 - 2) any person is in serious imminent danger;
 - 3) law enforcement authorities have a reasonable belief that evidence is about to be destroyed; and
 - 4) law enforcement authorities need to act promptly to prevent flight from the jurisdiction by a person suspected of serious criminal activity.
 - 5) The law enforcement authorities are investigating allegations of child neglect or abuse. If the alleged abuser is staff, the local welfare or law enforcement agency determines the time and place of the interview.

4. School administration will use discretion to decide if the interview with a student at school should proceed. In determining whether to allow an interview, the school administration should consider relevant factors:
 - a. Whether law enforcement authorities have made efforts to contact the student outside of school?
 - b. Whether law enforcement authorities have made efforts to notify the parents/guardians?
 - c. Is there urgency to the investigation that would necessitate interviewing the student at school?
5. School administration and law enforcement authorities shall contact the Superintendent whenever they have a question or a disagreement regarding law enforcement access to students.
6. Throughout this process, all attempts should be made to avoid embarrassing students before staff and peers, and to avoid disrupting the educational program of the student by making the student miss class time. Unless a safety issue exists, law enforcement authorities should remain in the school administration office while school staff seek out the student.

B. Procedures

1. Arrest
 - a. When law enforcement authorities have a warrant for or probable cause to arrest a student, they must be permitted to arrest the student.
 - 1) The school administration shall contact the law enforcement agency for verification of an officer's name and status before releasing a student whenever the law enforcement authority is outside his/her jurisdiction or unknown to the school.
 - 2) Whenever possible the arrest shall be conducted in an office out of the view of the other students.
 - 3) Before removing a student from the school in a non-school related incident, law enforcement authorities shall sign a form in which they assume full responsibility for the student. A copy of the form is included in this regulation.
 - 4) The school administration shall attempt to notify the parents/guardians immediately and document the contact.
 - b. Agents of the Federal Government, Postal Inspectors, Treasury and the Federal Bureau of Investigation also have the power to arrest. Normally, their contacts with the school will be for the purpose of investigation, and they usually cooperate with the local law enforcement agency in making arrests. However, on occasion this authority may be exercised directly; and

when they feel it necessary to take a student into their custody, they shall follow procedures detailed in section B.1.

2. Interview

The definition of "interview" is any discussion with a student by law enforcement authorities pertaining to investigating a possible violation of law. The student who is interviewed may be a suspect, a witness or a victim.

- a. The following procedures apply to students who are under the age of eighteen. Students eighteen years of age or older may agree to be interviewed by law enforcement authorities without prior parental notification or school administration being present during the interview.
- b. Prior to the interview a reasonable attempt shall be made to notify the parents/guardians except in circumstances where law enforcement authorities believe the notification may compromise an ongoing criminal investigation.
- c. The interview shall take place unless the parent/guardian or student specifically forbids it. School administration will inform the student that he or she may choose not to participate in the interview.
- d. If a parent/guardian requests to be present during the interview this request should be accommodated unless the seriousness of the offense or urgency of the investigation requires immediate interviewing by law enforcement authorities.
- e. If the parent/guardian cannot be reached prior to the interview, school administration shall send written notification informing them that an interview has taken place.
- f. The school administration shall offer to provide school staff to sit in on the interview if the student chooses. If the student requests a member of the school staff to sit in on the interview, the school administration shall accommodate the request.
- g. In the case of alleged child abuse, the juvenile court may require the District to not disclose information to the parents. The law enforcement agency will send a written notification to the school administration, which must not be disclosed to the parents. Law enforcement authorities shall have the sole discretion as to who shall attend the interview and may exclude the school administration entirely. (M.S. 626.556 10(c), (d))
- h. School administration should not take part in the questioning during the interview. School administration shall at all times remain neutral observers.
- i. All interviews shall be conducted in a private room or area where confidentiality can be maintained. This shall be an area removed from observation by or contact with other people and school staff.

C. Predatory Offender Registration and Community Notification

1. State Statute 243.166, Community Notification and Registration Act, obligates local law enforcement agencies to make certain notifications upon the return of convicted predatory offenders from correctional facilities.
2. The local law enforcement agencies have discretionary authority to notify the District upon the return to the community of a Level II or III predatory offender.
3. Notification of a Level II or III predatory offender will first be made to the Superintendent or designee. The Superintendent or designee will provide notification to school administration and a, "need to know" listing of school staff, including appropriate service providers (i.e., bus drivers, etc.) Data privacy statutes, policies and regulations will be adhered to during notification proceedings.
4. The District will not make notification beyond the "need to know" listing.

ACCEPTANCE OF RESPONSIBILITY

The undersigned officer of a law enforcement agency is removing a student by the name of _____, grade _____, date of birth _____ from his/her class in Independent School District 271 and thereby assumes full responsibility for the student for the period of removal.

Law Enforcement Officer _____ Date _____
Time _____