Interviews and Interrogations of Students on Program Premises

To minimize interruption to the instructional program, ESD 123 discourages interviews and interrogations of students on program premises. When the circumstances warrant an onsite interview/interrogation, staff will follow the protocols in this procedure.

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

2. **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 12 years of age is the suspect of a crime, law enforcement will immediately stop questioning until parental consent is obtained.
    c. The program administrator 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 program administrator or designee may not prevent the interview and will inform the parent/guardian.
    d. When prior notice has been given to the parent/guardian, the program administrator 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 program administrator/designee will be present unless the student specifically requests otherwise.

3. **Interview of Student Witness/Victim, Child Abuse or Neglect Investigation:**
    a. Students of any age who are witnesses 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 program administrator or program administrator designee. A student may not be interviewed without his or her 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 12 years of age is the suspect of a crime, law enforcement will immediately stop questioning until parent/guardian consent is obtained.

c. The program administrator 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 program administrator 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 program administrator/designee will be present unless the student specifically requests otherwise.

f. If the program administrator or designee believes the student is being intimidated, threatened, or coerced he/she may request to take a break and make those concerns known to the interviewer. The program administrator or designee can then decide whether to continue, temporarily suspend, or terminate the interview.

g. The program administrator or designee will document the date, time, place, interview length, student name, consent to be interviewed, the interviewer, and any additional parties present.

4. Interview of Student Suspect of Criminal Activity:

a. Student suspects under the age of twelve may be interviewed only with parent/guardian consent.

b. Washington State law permits students twelve years and older, who are suspects of a crime, to be interviewed without parent/guardian consent.

c. The program administrator 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 program administrator 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 program administrator/designee will convey any expression of objection about the interview made by the parent/guardian to the law enforcement officer(s).

5. Interview of Student Sought by Health Department Officials:

a. The program administrator 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 program hours, and the program administrator will not release the student to travel to the health department.

6. Interview of Student Sought by Immigration Agents:

a. If an immigration agent requests access to a student or a program site, staff will deny immediate access, alert the program administrator, and forward the request to the Superintendent and/or ESD 123 legal counsel for review.

b. The Superintendent and/or ESD 123 legal counsel will ask for the immigration agent's credentials, ask the agent why the agent is requesting access, and ask to see a warrant

c. 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.

d. Immigration agents must also provide written authority, instructing them to enter ESD 123 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.

e. Upon receipt and examination of the required information, the Superintendent and/or ESD 123 legal 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 program administrator or designee.

f. The Superintendent and/or ESD 123 legal counsel or designee will make a reasonable effort to notify the parent/guardian of the interview.

g. The Superintendent/ESD 123 legal counsel or program administrator/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.

7. Access to Student Records

a. If the parent/guardian or student over 18 years of age has not filed a written objection to the release of directory information, anyone may request and be granted the directory information about students as designated in ESD 123's Student Records policy and procedure (Policy and Procedure 3231). The actual residential addresses of participants in the state Address Confidentiality Program are not to be available for release as directory information. Social Security numbers, student identification numbers (with authentication factors such as a secret password or personal identification number), or other personally identifiable information is 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.

8. Taking a Student into Custody

a. In a criminal matter, an officer is not required to have a warrant in order for the program to release the student into law enforcement custody. The program administrator or designee will make an 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. Program authorities may request that the law enforcement officer put his or her reasoning for the denial of parent/guardian notification into writing.

c. A student may not be taken into custody at a program on a truancy petition.

d. Immigration agents are required to have a subpoena or warrant signed by a judge in order for ESD 123 to release a student into custody.

Adoption: 01/24