Interviews and Interrogations of Students on Program Premises

Although ESD 123 values its relationships with law enforcement, the Department of Children, Youth, and Families (DCYF), and the county health department, to minimize interruption of the instructional program, ESD 123 discourages interviews and interrogations of students on program premises. As a general rule, interviews and interrogations by any agency, including law enforcement and the county health department(s), should take place at the agency or the student's home, rather than program premises.

However, there are limited circumstances when an interview of students at the program is warranted, for example, program-initiated investigations, child abuse investigations, and/or serious crime investigations. When an onsite interview or interrogation is warranted by the circumstances, ESD 123 will utilize the procedures and protocols associated with this policy, which were developed in cooperation with these agencies, and ensure that students and parent(s)/guardian(s) are afforded all rights under the law. The interviews of students as witnesses, victims, and suspects are treated differently.

In contrast to the limited circumstances noted above, the work of immigration agents does not overlap with the work or duties of ESD 123. This is because ESD 123's obligation to educate the students in its programs is not diminished by the children or parent's immigration status. ESD 123 supports the federal immigration and enforcement policy that directs immigration agents to avoid questioning and arrests at sensitive locations. Therefore, staff will not grant information or access to immigration agents unless/until ESD 123 Superintendent and/or ESD 123 legal counsel determine the request complies with Plyler v. Doe and other applicable laws according to the criteria in the associated procedure.

First Reading: 08/26/21
Second Reading: 09/30/21
Adoption: 09/30/21

Reference:

RCW 26.44.030 Reports—Duty and authority to make—Duty of receiving agency—Duty to notify—Case planning and consultation—Penalty for unauthorized exchange of information—Filing dependency petitions—Investigations—Interviews of children—Records—Risk assessment process.
RCW 26.44.050 Abuse or neglect of child—Duty of law enforcement agency or department of children, youth, and families—Taking child into custody without court order, when. *(Effective until July 1, 2023.)*
RCW 26.44.110 Information about rights—Custody without court order—Written statement required—Contents.
RCW 26.44.115 Child taken into custody under court order—Information to parents.
RCW 28A.635.020 Willfully disobeying school administrative personnel or refusing to leave public property, violations, when—Penalty.