

Adopted: October 23, 2017 (NEW) [MSBA Model Policy]
Contact Person: Assistant Superintendent

Policy 519 INTERVIEWS OF STUDENTS BY OUTSIDE AGENCIES

I. PURPOSE

To establish the procedures for access to students by authorized individuals during the school day.

II. GENERAL STATEMENT OF POLICY

- A. Generally, students may not be interviewed during the school day by persons other than a student's parents, school district officials, employees and/or agents, except as otherwise provided by law and/or this policy.
- B. Requests from law enforcement officers and those other than a student's parents, school district officials, employees and/or agents to interview students shall be made through the principal's office. Upon receiving a request, it shall be the responsibility of the principal to determine whether the request will be granted. Prior to granting a request, the principal shall attempt to contact the student's parents to inform them of the request, except where otherwise prohibited by law.

III. INTERVIEWS CONDUCTED UNDER THE MALTREATMENT OF MINORS ACT

- A. In the case of an investigation pursuant to the Maltreatment of Minors Act, Minn. Stat. § 626.556, Subd. 10, a local welfare agency, the agency responsible for investigating the report, and a local law enforcement agency may interview, without parental consent, an alleged victim and any minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school and during school hours. District officials will work with the local welfare agency, the agency responsible for investigating the report, or law enforcement agency to select a place appropriate for the interview. The interview may take place outside the presence of the perpetrator or parent, legal custodian, guardian, or District official.
- B. If the interview took place or is to take place on District property, an order of the juvenile court pursuant to Minn. Stat. § 626.556, Subd. 10 (c) may specify that District officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on District property and/or any other related information regarding the interview that may be a part of the child's record. The District official must receive a copy of the order from the local welfare or law enforcement agency.

- C. When the local welfare agency, local law enforcement agency, or agency responsible for assessing or investigating a report of maltreatment determines that an interview should take place on District property, District officials must receive written notification of intent to interview the child on District property prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on District property. Where the interviews are conducted by the local welfare agency, the notification must be signed by the chair of the local social services agency or the chair's designee. The notification is private educational data on the student. District officials may not disclose to the parent, legal custodian or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded, unless a District employee or agent is alleged to have maltreated the child. Until District officials receive said notification, all inquiries regarding the nature of the investigation or assessment should be directed to the local welfare or law enforcement agency or the agency responsible for assessing or investigating a report of maltreatment shall be solely responsible for any disclosure regarding the nature of the assessment or investigation.
- D. District officials shall have discretion to reasonably schedule the time, place, and manner of an interview by a local welfare or local law enforcement agency on District premises. However, where the alleged perpetrator is believed to be a District official or employee, the local welfare or local law enforcement agency will have discretion to determine where the interview will be held. The interview must be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the District officials and the local welfare or law enforcement agency. However, District officials must yield to the discretion of the local welfare or law enforcement agency concerning other persons in attendance at the interview. District officials will make every effort to reduce the disruption to the educational program of the child, other students, or school staff when an interview is conducted on District premises.
- E. Students shall not be taken from District property without the consent of the principal and without proper warrant.