

# Superintendent Procedure 4310SP **Relations with Law Enforcement, Child Protective Agencies, and the County Health Department**



Approved by: S/Denise Juneau Date: 8/30/2019

Denise Juneau, Superintendent

Seattle Public Schools has enjoyed a good relationship over many years with law enforcement, child protective agencies, and the health department as a result of mutual cooperation in solving problems facing our students. Good relations are furthered by an understanding of respective roles and responsibilities in areas where there is contact between the two entities, such as entry into schools, interviewing students, and requests for student records.

## 1. Entry to a School Building

- a) A law enforcement officer (e.g., Seattle Police Department, King County Sheriff, Immigration and Customs Enforcement (ICE), the U.S. Department of Homeland Security (DHS), Homeland Security Investigations (HSI) Enforcement Removal Operations (ERO); Customs and Border Protection (CPB), and U.S. Citizenship and Information Services (USCIS)), child protective services worker, or health official shall contact the principal or their designee upon entering a school building and present proper identification.
- b) School building administrative personnel will cooperate in the manner enumerated below with law enforcement officers, child protective services workers, and health officials.

## 2. Interviewing of Students

As a general rule, interviewing students should take place at the agency or at the student's home. However, there are limited circumstances when an interview by law enforcement officers, child protective services worker, or health officials may be conducted at school (for example: school-initiated investigations, child abuse investigations, and/or serious crime investigations). Interviews of students as witnesses, victims, and suspects are treated differently.

- a) Student Witness to Criminal Activity –
  - i) Students of any age who are witnesses to, or victims of, a crime may be interviewed without parent/guardian consent.
  - ii) Should it become apparent during a victim/witness interview that the student under 12 years of age is the suspect of a crime, law enforcement shall immediately stop questioning until parental consent is obtained.
  - iii) The principal or designee will make a reasonable effort to notify the parent/guardian prior to the interview if, in the opinion of the law enforcement officer(s), the notification will not hinder the investigation.
  - iv) When prior notice is made to the parent/guardian, any expression of objection to the interview made by the parent will be conveyed to the law enforcement officer(s). The principal or designee may not, by law, prevent the interview and will so inform the parent/guardian.

- v) The principal or designee shall be present during the interview if the parent/guardian is not present unless the student specifically requests otherwise.
- b) Student Witness, Child Abuse or Neglect Investigation –
- i) Students of any age who are witnesses to, or victims of, child abuse or neglect may be interviewed so long as the interviewer obtains the student's consent in the presence of the principal or his/her designee. A student may not be interviewed without their consent unless the interviewer has a warrant or determines that exigent circumstances exist.
  - ii) Should it become apparent during a victim/witness interview that the student under 12 years of age is the suspect of a crime, law enforcement shall immediately stop questioning until parent/guardian consent is obtained.
  - iii) The principal or designee will make a reasonable effort to notify the parent prior to the interview if, in the opinion of the law enforcement officer(s), the notification will not hinder the investigation.
  - iv) When prior notice is made to the parent/guardian, any expression of objection to the interview made by the parent/guardian will be conveyed to the law enforcement officer(s). The principal or designee may not, by law, prevent the interview and will so inform the parent/guardian.
  - v) The principal or designee shall be present during the interview if the parent is not present unless the student specifically requests otherwise.
  - vi) If the principal or designee believes the student is being intimidated, threatened or coerced he/she may request that a break be taken and make those concerns known to the interviewer. The principal or designee can then decide whether to continue, temporarily suspend or terminate the interview.
  - vii) The school will document the date, time, place, interview length, student name and consent to be interviewed, the interviewer and any third or additional parties present.
- c) Student Suspect of Criminal Activity –
- i) Student Suspects Under 12 Years of Age: Student suspects under twelve may only be interviewed with parent/guardian consent.
  - ii) Student Suspects 12 Years of Age and Older: Washington State law permits students twelve years in age and older who are suspects of a crime to be interviewed without parent/guardian consent.
  - iii) The principal or designee will make a reasonable effort to notify the parent/guardian prior to the interview if, in the opinion of the law enforcement officer(s), the notification will not hinder the investigation.
  - iv) When prior notice is made to the parent/guardian, any expression of objection to the interview made by the parent/guardian will be conveyed to the law enforcement officer(s). The principal or designee may not, by law, prevent the interview and will so inform the parent/guardian.
- d) Student Sought by Health Department Officials –
- i) The principal or designee will permit a health 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 to be held during school hours, and the principal chooses not to release the student to travel to the health department.

- e) **Student Sought by Immigration Officials –**
- i) **Seattle Public Schools’ obligation to educate does not consider immigration status. Therefore, the District will not ask for, or record, a student’s or family member’s immigration status. If a student or family member self-discloses their immigration status, no record shall be kept of the disclosure. Student records protected by the Family Educational Rights and Privacy Act (FERPA) will only be 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.**
  - ii) **Seattle Public Schools supports the Department of Homeland Security and Immigration and Customs Enforcement (ICE) policy that enforcement actions do not occur at, nor are focused on, sensitive locations including schools and school bus stops. Absent an exigent (emergency) circumstance, a judicial warrant will be required before an immigration agent, such as an ICE officer, is permitted to access a district school. Before access is granted with a judicial warrant, district legal counsel shall first review the warrant to ensure that it:**
    - (1) Is signed by a judge;**
    - (2) Properly identifies the agency with authority to search;**
    - (3) Correctly identifies the search location(s);**
    - (4) Includes the correct date and has not expired; and**
    - (5) References a specific person; and if so, allow ICE to contact or question only that person.**

### **3. Access to Student Records**

**A law enforcement officer, child protective services worker, or health department official may request and be granted such student information as address, telephone number, parent/guardians’ names, date of birth and other directory information, if the parent/guardian or student over 18 years of age has not filed a written objection to the release of directory information. 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.**

### **4. Taking a Student Into Custody**

**An officer is not required to have a warrant in order for the school to release the student into law enforcement custody on a criminal matter. A student may not be taken into custody at school on a truancy petition. In the event a student is taken into custody by a law enforcement officer, the principal or designee will make a reasonable effort to immediately notify the parent/guardian unless directed not to by the law enforcement officer.**

Approved: June 2014

Revised: August 2019; January 2017

Cross Reference: RCW 26.44.050 (Abuse or neglect of child); RCW 28A.635.020 (Willfully disobeying school administrative personnel or refusing to leave public property, violations, when – Penalty); RCW 10.31.100 (Arrest Without Warrant); RCW 13.40.040 (Taking Juvenile Into Custody, Grounds); RCW 13.40.140 (Juveniles Entitled to Usual Judicial Rights); RCW 28A.225.060 (Custody and Disposition of Child Absent From School Without Excuse); WSSDA Policy and Legal News, July 2013; ICE Sensitive Locations Policy 10029.2