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Revised: 8/25/2020

513 INTERVIEWS OF STUDENTS BY OUTSIDE AGENCIES

I. PURPOSE

There are occasions in which persons other than District officials and staff find it necessary to speak with a student during the school day. Student safety and disruption of the educational program is of concern to the District. The purpose of this policy is 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, District officials, staff, except as otherwise provided by law and / or this policy.
- B. Requests from law enforcement officers and those other than a student's parents, District officials, or staff to interview students shall be made through the Office Manager. Upon receiving a request, it shall be the responsibility of the Office Manager to determine whether the request will be granted. Prior to granting a request, the Office Manager 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. S 626.556, Subd. 10, a local welfare agency 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 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. S 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 or local law enforcement agency 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 and 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. 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 responsible for the 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 an District official or staff, 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 District staff when an interview is conducted on District premises.
- E. Students shall not be taken from District property without the consent of the program coordinator and without proper warrant.

Legal References: Minn. Stat. S 13.32 (Educational Data)
Minn. Stat. S 626.556, Subd. 10 (c) and (d) (Duties of Local Welfare Agency and Local Law enforcement agency upon receipt of a report)

Cross References: RBED Policy 103 (Complaints – Students, Employees, Parents, Other Persons)
RBED Policy 406 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
RBED Policy 507 (Protection and Privacy of Pupil Records)