

Administrative Procedure 320

Revised: June 14, 2005

INTERROGATION OF STUDENTS

Background

It is recognized that from time to time it will be necessary for the Principal or a member of the school staff to question a student regarding a breach of the school rules or an incident that occurred within the school. Under specific circumstances a search of student lockers may need to occur. It is also recognized that members of outside agencies, such as police officers, social workers and child welfare workers, may wish to interview a student at school during the school day.

School staff are expected to cooperate with the police or other appropriate civilian authorities in the execution of their duties. However, staff also have a responsibility to function in the place of the parent during school hours.

Procedures

1. The Principal is responsible for protecting the individual rights of the student which includes informing the student of the right to have parents and/or counsel present during questioning.
2. Interviews and searches will be conducted in a manner that ensures that the rights of the student are protected.
3. No person except the custodial parent, law enforcement officer, or child welfare worker may interview a student at the school.
4. In the case of law enforcement officers wishing to interview a student at school, the following shall apply:
 - 4.1 When authorized persons find it necessary to visit a school to interview a student, the Principal shall require them to report to the Principal's office, provide appropriate identification of themselves and make known the purpose of their visit.
 - 4.2 The Principal shall question the law enforcement officers as to the urgency of the matter and if not deemed urgent, or an emergency, they should be advised that they are to deal with the matter at the student's residence in the presence of the parents, or in another location not associated with the school and outside of school hours.
 - 4.3 Should the Principal, deem the matter to be urgent or an emergency, and agree to permit the interview to proceed, attempts should be made to contact the parents, except in cases where the investigation allegedly has to do with child abuse by the parent. If possible, parents or guardians should be present at the interview. Should the parent be able to come to

- the school, the law enforcement officers shall be required to wait until the parent arrives.
- 4.4 If the parent cannot be present, the Principal or another staff member must sit in on the interview where a child is under 12 years of age. The Principal will bring the student to the office where the interview will take place.
 - 4.5 If the parent cannot be present, for students are who 12 and under the age of 18, the Principal will bring the student to the office. The Principal or designate does not automatically have the right to be present at interviews. The student has the right to select his/her own counsel.
 - 4.6 The law enforcement officer is responsible for informing the student (ages 12 to 17) that:
 - 4.6.1 The student is under no obligation to give a statement.
 - 4.6.2 That any statement given by the student may be used as evidence in proceedings against him/her.
 - 4.6.3 The student has the right to consult with legal counsel or a parent; or, in the absence of a parent or adult relative, any other appropriate adult (over 18) of his/her choice.
 - 4.6.4 Any statement made by the student must be made in the presence of the person consulted unless the student expressly waives that right in writing.
 - 4.7 The Principal may request permission to observe the interview and the law enforcement officer shall advise the student of the request. Should the student not consent, then the Principal shall not observe the interview.
 - 4.8 If a police officer wishes to remove a student from the school, then the Principal shall require the police officer to contact the student's parents and advise them of the action being taken. If the parent cannot be contacted, then the Principal shall immediately notify the Superintendent's office.
5. In the case of a requested interview by a child welfare worker, the following shall apply:
- 5.1 When Child Welfare Workers find it necessary to visit a school to interview a student, they shall be required to report to the Principal, provide appropriate identification, make known the nature of the investigation and indicate why the interview must be conducted.
 - 5.2 If the matter is urgent and there is a need to conduct the interview in school hours, the Principal or designate shall facilitate access to the child.
 - 5.3 Interviews are to be permitted on school premises in cases of suspected child abuse or neglect when the investigation involves suspected physical/sexual abuse.
 - 5.4 The Principal is to receive assurance from the child welfare worker that the parents or legal guardian will be informed about the investigation if it involves students less than 18 years of age.

- 5.5 The responsibility for notifying parents about an investigation rests with the child welfare worker.
- 5.6 The Principal should clarify with the child welfare worker as to when contact with the parents will be made.
- 5.7 The Principal, following consultation with the student and the child welfare worker will determine whether or not it is in the best interest of the student to have a staff member sit in on the interview.
- 5.8 Child welfare authorities have the power to apprehend a child where there is sufficient evidence to suggest the child is in need of protection.
- 5.9 Child welfare workers are not authorized to take a student from the school unless they have apprehended them or unless the child is under wardship.
- 5.10 The Principal shall ensure that a written record of the identity of the child welfare worker, the date and time of the interview and the name of the student being interviewed is taken and maintained on file at the school.