



Book	Policy Manual
Section	3000 Series - Students
Title	Student Questioning and Arrests
Code	3545 (replaces 4410)
Status	Proposed

SECTION 1. INTERVIEWS BY SCHOOL ADMINISTRATORS (STUDENT VICTIMS/WITNESSES)

1.1 When a violation of Caldwell School District Board of Trustee policy or school rule occurs, the school principal/designee may question a potential student victim or students who may have relevant information without prior consent of the parent/guardian. Another adult may be present during the questioning of students.

1.2 Interviews may be recorded.

SECTION 2. INTERVIEWS BY SCHOOL ADMINISTRATORS (STUDENT SUSPECT)

2.1 In situations where a student is suspected of violating Board policy or school rule, the school principal/designee may interview or question the suspected student without the prior consent of the student's parent/guardian. The school official must first have reasonable grounds to suspect that the student committed such a violation. The nature and extent of the questioning must be reasonably related to the objectives of the questioning. If the student denies involvement or culpability in any part of the suspected activities, the student will be afforded the opportunity to present their side of the story, orally or in writing.

2.2 Interviews may be recorded.

SECTION 3. QUESTIONING BY LAW ENFORCEMENT OFFICIALS ABOUT SCHOOL-RELATED VIOLATIONS

3.1 When a suspected violation of criminal law has occurred on school grounds, at a school sponsored activity, or at an activity involving school operations, law enforcement officers may be notified by school officials to request a criminal investigation. Law enforcement officers may also independently determine that an investigation requiring student interviews is necessary.

3.2 School discipline investigations conducted by school administrators and criminal investigations conducted by law enforcement officers, with the exception of SRO personnel, shall be conducted in a parallel manner rather than as a joint investigation. Therefore, a school discipline investigation need not stop as soon as the school administrator believes that a crime has been committed. The results of the parallel investigations may be shared among school officials and the police.

3.3 Questioning by law enforcement officials shall be recorded.

SECTION 4. INTERVIEWS AND QUESTIONING BY LAW ENFORCEMENT OFFICIALS ABOUT INCIDENTS OUTSIDE OF SCHOOL

4.1 All contact between the school and law enforcement on matters involving students shall be made through the building or District office.

4.2 If a law enforcement officer is present on school property solely to question a specific student, the school's administrative personnel shall bring the student to a designated location for questioning. Law enforcement officers who are present for such an interview should not otherwise roam the school's facility in an effort to locate the student. They should remain in the administration office while school personnel seek out the student. However, if there is a safety concern or other emergency situation involving a student, the school and law enforcement official shall work together on the best way to contact that student.

4.3 Any questioning of a student by law enforcement should take place in a private room or area where confidentiality can be maintained.

4.4 A public school shall notify a student's parent or legal guardian if a student has been or may be questioned by a school resource officer or other law enforcement official, unless the child is a victim or suspected victim of physical child abuse.

4.5 Any interview of a student or a detainment of a student shall occur outside of school hours and outside the school setting, when possible. However, when such activities cannot occur outside of the school setting, the principal or designee will notify a parent/guardian of an interview or detainment of a minor student by law enforcement officials.

4.6 School personnel shall not require any student to subject themselves to any law enforcement interview about an incident outside of school. If a parent/legal guardian directs that a student is not to be subject to a law enforcement interview, such direction will be honored by the school and law enforcement will have to make other arrangements to conduct such questioning. Such parent direction shall be required for each case in which a law enforcement officer asks to question a student.

4.7 The building principal/designee may request to be present at the interview, but should not take part in any questioning. If present, the principal/designee should at all times remain a neutral observer.

4.8 When students are questioned by law enforcement officers, District personnel are not responsible for a police officer's compliance with the law. If a parent/guardian or student refuses to consent to police questioning, it is the law enforcement officer's responsibility to respond appropriately to such refusal.

SECTION 5. ARRESTS BY LAW ENFORCEMENT OFFICERS

5.1 A law enforcement officer may take a student into custody if the student has been placed under arrest, if the officer declares the student to be in imminent danger, if the student's parent/guardian and the student consent to such release, or if the law enforcement officer has a legal order to take the student into protective or other custody status. The officer shall notify the principal or designee so that the student may be summoned to the principal's office and taken into custody in a manner that is not disruptive to the school's operations and processes, as well as in a manner that is not an embarrassment to the student in question.

5.2 When an emergency situation arises and the student is taken into custody or arrested on school premises without advanced notification, law enforcement will provide notice to the school's administrative personnel at the earliest possible opportunity. When a student is removed from the school premises by law enforcement, the school's administrator shall notify the student's parent/guardian of such action, including attempts to contact them by phone call or text messages. The school official will document such effort in writing.

5.3 When law enforcement officers make a formal arrest or the student is otherwise in law enforcement custody, any and all responsibility for that student is transferred to law enforcement personnel. If a school official has reason to believe a student is wrongly detained or arrested, they shall not interfere in any way, but will contact the Superintendent explaining their reason, which will be documented by the Superintendent.

5.4 School officials will immediately notify the Superintendent/Designee of the removal of any student from school by law enforcement under any circumstance. District personnel are not responsible for an officer's legal compliance with respect to any arrest or removal.

SECTION 6. DEFINITIONS

6.1 "Interview" or "questioning" means asking a student about an incident.

6.2 "Reasonable Suspicion" means that any reasonable person would suspect that a crime was in the process of being committed, had been committed or was going to be committed very soon.

Legal

[I.C. § 6-904\(1\) Tort Claims Against Governmental Entities - Exceptions to Governmental Liability](#)

[I.C. § 16-1605 Child Protective Act: Reporting Abuse, Abandonment or Neglect](#)

[I.C. § 16-1606 Child Protective Act: Immunity](#)

[I.C. § 16-1607 Child Protective Act: Reporting in Bad Faith - Civil Damages](#)

[I.C. § 16-1631 Authorization for Department to Act](#)

[I.C. § 33-6001 Parental Rights in Education](#)

[I.C. § 20-516 Apprehension and Release of Juvenile Detention Idaho Attorney General Opinion 93-2](#)

[New Jersey v. T.L.O., 469 U.S. 325 \(1985\)](#)

Cross References

4400 Relations with Law Enforcement and Child Protective Agencies

5260 Abused and Neglected Child Reporting

[Idaho Att'y Gen. Ann. Rpt. 93-2 \(1993\)](#)