



Community Relations – Series 4000

Relations with Law Enforcement and Child Protective Agencies – 4413

The District shall strive to develop and maintain cooperative working relationships with law enforcement and child protective agencies. The Superintendent or designee shall meet with law enforcement and child protective authorities and establish agreed upon procedures for cooperation between such agencies and school officials. Such procedures should address the handling of child abuse and neglect, the handling of weapons violations and threats at school, and questioning and/or arrests by law enforcement or child protective service agencies on school premises. Such procedures shall be made available to affected staff and periodically revised.

The primary responsibility for maintaining proper order and conduct in the schools is that of staff. Staff shall be responsible for holding students accountable for infractions of school rules, which may include minor violations of the law occurring during school hours or at school activities. Where there is substantial threat to the health and safety of students or others as a result, for example, of bomb threats, individual threats of substantial bodily harm, trafficking in prohibited drugs, mass demonstrations, or events where large crowds may be difficult to handle, law enforcement shall be called upon for assistance.

Staff shall approach their particular interactions with law enforcement and child protective services in a collegial manner and, in general, as follows:

Child abuse and neglect:

When school personnel have reasonable cause to believe that a child has suffered abuse or neglect, an immediate oral report must be made to the Department of Social and Health Services (DSHS) or local law enforcement agency by telephone or in person. Delay in initial report beyond forty-eight clock hours after an employee has reasonable cause to believe a child has suffered abuse or neglect may be a violation of law. The forty-eight hour reporting requirement is personal to every School District employee. When a report is disputed, a legal defense will be provided to employees who report in good faith and without gross negligence. When requested by the receiving agency, such report must be supplemented in writing with the following information, if known (1) The name, address, and age of the child; (2) The name and address of the child's parents, stepparents, guardians, or other persons having custody of the child; (3) The nature and extent of the alleged injury or injuries; (4) The nature and extent of the alleged neglect; (5) The nature and extent of the alleged sexual

abuse; (6) Any evidence of previous injuries, including their nature and extent; and (7) Any other information that may be helpful in establishing the cause of the child's death, injury, or injuries and the identity of the alleged perpetrator or perpetrators. No prior parental release or approval is required in order to fulfill these requirements.

With regard to reports of alleged child abuse or child neglect, representatives of the Department of Social and Health Services (DSHS) or representatives of law enforcement agencies may interview children. The interviews may be conducted on school premises or at day-care facilities. The interviews may be conducted outside the presence of the child's parents. If authorized by CPS or the law enforcement agency, the school district will notify parents of such an interview. When a child is being interviewed at school concerning child abuse or neglect, prior to commencing the interview the DSHS representative or law enforcement officer shall determine whether the child wishes an adult third party be present for the interview, and, if so, shall make reasonable efforts to accommodate the child's wishes. Unless the child objects, the DSHS representative or law enforcement officer shall make reasonable efforts to include a third party in any interview so long as the presence of the third party will not jeopardize the course of the investigation, meaning the investigator may ask a school employee to be present at such an interview and may also dictate the school employee's degree of involvement in the interview process. When child abuse or child neglect is being investigated, the investigating agency is entitled to access of all relevant records of the child without parental consent.

Criminal Investigation

1. A law enforcement officer shall contact the principal and provide identification upon entering a school building.
2. A law enforcement officer may request and shall be granted such student information as address, telephone number, parents' names, date of birth, and other directory information if the parent or adult student 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:
 - A. Written permission of a minor student's parent or an adult student;
 - B. Pursuant to a court order or subpoena;
 - C. In response to a health or safety emergency; or
 - D. In order to better serve the student in the juvenile justice system prior to adjudication.

Police Interrogation (Issues not Involving Child Abuse or Neglect)

1. While the district encourages interviews of students be conducted off school premises, the principal shall permit a law enforcement officer to conduct any necessary questioning at school when:
 - A. Alleged child abuse or neglect is involved;
 - B. The school district is involved as a victim;
 - C. The school is conducting its own related investigation; or
 - D. The investigation may be seriously jeopardized by further delay (exigent circumstances).

School personnel shall cooperate with the officer while he or she is conducting necessary investigations. Parent/guardian notification of the interview shall occur at the earliest possible point in the investigation that will not jeopardize the safety or protection of the child or the course of the investigation. Prior to commencing the interview, the law enforcement officer shall determine whether the child wishes an adult third party to be present for the interview and, if so, shall make reasonable efforts to accommodate the child's wishes. The officer shall advise and afford a student the same legal rights as an adult and the right to have a parent present during questioning if the student is twelve years of age or younger.

2. A law enforcement officer is not required to have a warrant in order for the school to release the student into law enforcement custody. In the event a student is taken into custody, the school will immediately notify the parent or guardian unless directed not to do so by the law enforcement officer.

Training

The Superintendent or designee shall be responsible for providing annual staff training concerning proper response to instances of child abuse and neglect and proper assistance to law enforcement official's criminal investigation.

Legal References:

<u>RCW 9A.04.100</u>	Proof beyond a reasonable doubt [presumption of innocence]
<u>RCW 9A.76.020</u>	Obstructing a law enforcement officer
<u>RCW 10.52.040</u>	Compelling witness to attend and testify-Accused as a witness [right to refuse interview]
<u>RCW 13.40.040</u>	Taking juvenile into custody, grounds-....
<u>RCW 26.44.020</u>	Child abuse-Definitions

<u>RCW 26.44.030</u>	Reports-Duty and authority to make [child abuse and neglect Report 48 hour requirement].
<u>RCW 26.44.032</u>	Legal defense of public employee
<u>RCW 26.44.040</u>	Reports-Oral, written-Contents
<u>RCW 26.44.050</u>	Taking child into custody without court order
<u>RCW 26.44.060</u>	Immunity from civil or criminal liability-False report penalty
<u>RCW 26.44.080</u>	Violation-Penalty, Failure to report
<u>RCW 26.44.110</u>	Written statement required
<u>RCW 26.44.115</u>	Notice required
<u>RCW 28A.635.020</u>	Willfully disobeying school administrative personnel or refusing To leave public property, violations, when-Penalty

20 U.S.C. Family Educational Rights and Privacy Act
sec. 1232g(b)(2)

Cross References:

<u>Board Policy 3205</u>	Safety and Civility in Schools
<u>Board Policy 3231</u>	Student Records
<u>Board Policy 3239</u>	Regulation of Dangerous Weapons at School
<u>Board Policy 3240</u>	Student Conduct
<u>Board Policy 3420</u>	Student Safety
<u>Board Policy 3434</u>	Crises/Disaster Preparedness
<u>Board Policy 4210</u>	Community Relations

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