

## **Policy ~~5540~~ 445 – The Schools and Community Agencies**

**Revised policy effective upon passage**

*1<sup>st</sup> reading*      July 11, 2019

*2<sup>nd</sup> reading*

*3<sup>rd</sup> reading*

**Statutory authority**      West Virginia Board of Education Policy 4373

### **Administrative Guidelines**

(none)

The Board of Education is committed to protect students from individuals not associated with the school system but also recognizes its responsibility to cooperate with law enforcement agencies and the Department of Health and Human Resources.

Upon arrival at the school, such agencies should be directed to the principal or the principal's designee. When such agencies request permission to interrogate a student at school, the principal or his/her designee shall make reasonable efforts to notify the student's parents, guardian, or custodian prior to said interrogation, when appropriate. All attempts to notify the parents, guardians, and/or custodians should be diligently documented.

Whenever an agency has is interrogating a student, the principal or his/her designee or representative shall be present throughout the proceedings, unless prevented from doing so, for example, by court order or law enforcement direction. Students' have a right under the Federal constitution and State constitution not to incriminate themselves about a crime when questioned on school grounds by an individual acting in the capacity of a law enforcement official. Students are entitled to be informed of their right against self-incrimination if they are in a law enforcement custodial setting, which means that they are not at liberty to terminate the interrogation and leave. Students do not have a constitutional right against self-incrimination when being questioned by school officials or PRO Officers acting under the supervision of school officials who are investigating alleged non-criminal, school-related misconduct.

When an agency requests permission to remove a student, the principal or his/her designee shall immediately notify the Superintendent and, unless prevented from doing so, for example, by court order or law enforcement direction, also notify the student's parent, guardian, or custodian.

On occasion, principals will need outside police assistance in dealing with misconduct that rises to the level of criminal behavior. When police are called, the Superintendent should be advised of the situation as soon as feasible. ~~Principals must contact Child Protective Services immediately if the principal or any school employee reports a suspicion that a student has been abused or neglected.~~

Notification of the Superintendent pursuant to this policy shall not exempt any employee from the reporting requirements found in Policy 444.

~~State Board policy 4373~~