

STUDENT INTERVIEWS BY DISTRICT STAFF

The Bonneville Joint School District No. 93 Board of Trustees recognizes the primary responsibility for maintaining proper order and conduct in the Bonneville Joint School District No. 93 schools is that of District staff. The Board further recognizes that in order to maintain proper order and conduct there are times when District staff need to question or interview students on campus, both during and outside of school hours.

To this end, the following policies and procedures are meant to guide the interview and investigation process.

1. Reporting

- A. Actions that violate Board policy, the Code of Student Conduct, and/or school rule, should be reported to the school principal / designee.
 - i. Level 1 infractions of the Code of Student Conduct may be handled in the classroom setting, with no report required to the school principal / designee.
 - ii. In collaboration with their school leadership teams, school principals are responsible to establish and communicate procedures to their school staff regarding when and how to report violations of school rules to the school administrative staff.

2. Investigation

- A. The school principal / designee may question students who are suspected of violating Board policy, the Code of Student Conduct, and/or school rules. The school administrator/designee may also interview potential victims or students who may have relevant information about the incident.
 - i. If the alleged conduct is in any way related to sexual misconduct, the school principal / designee must consult with the District Title IX coordinator prior to interviewing any students in relation to the reported incident.
 - ii. The school principal / designee must have reasonable grounds to suspect that the student has committed such a violation, is the victim of such violation, or is a witness to such violation.
 - iii. The nature and extent of the questioning must be reasonably related to the objectives of the investigation.

- iv. If a student denies any involvement or responsibility for violation, the student will be afforded the opportunity to present his or her side of the story, orally or in writing.
 - v. Additional information known by the administrator/designee may clarify the understanding of the situation, including but not limited to the following sources of Information:
 - 1. Student medical plans, 504 plans, and Individual Education Programs (IEPs), and other ancillary knowledge of the students' circumstances,
 - 2. Previous reports of bullying, intimidation, and harassment and/or being the victim of bullying, intimidation, and harassment.
 - vi. The school principal / designee may also consult with other District staff with direct knowledge of the students involved.
- B. If the alleged conduct may constitute acts of bullying, hazing, harassment, or intimidation, the school principal / designee shall document the investigation using [Form U-4301LF2 Report Response Form](#).
- C. If the alleged conduct is in any way related to sexual misconduct, the school principal / designee must consult with the District Title IX coordinator prior to commencing an investigation into the incident, per [Board Policy #U-4085 Sexual Harassment \(Title IX\)](#).
- D. If there is reason to believe that a criminal act has likely occurred on school grounds, at a school-sanctioned activity, or an activity under substantial control of the school, the school principal / designee may notify the appropriate law enforcement agency per [Board Policy #3377 Student Investigations And Apprehensions By Law Enforcement](#)
- i. A school investigation need not stop as soon as the school principal / designee believes that a crime has been committed.
 - ii. The investigation conducted by the school principal / designee and the investigation by law enforcement may be conducted in a collaborative or parallel manner.
 - iii. The results of any school investigation may be shared among school officials and law enforcement on a need to know basis.
- E. If there is reason to believe that a health or safety emergency has occurred, or there is imminent danger of a health or safety emergency, the school principal / designee shall notify law enforcement officers per [Board](#)

[Policy #3377 Student Investigations And Apprehensions By Law Enforcement](#)

- F. If it is determined that there is a reason to believe that a student has been abused, neglected, or abandoned, the appropriate authorities shall be notified per [Board Policy # 5210 Reporting Abuse, Abandonment, or Neglect](#).
- 3. Notification of Parent/Guardian**
- A. Whenever school principals or their designees interview a student due to a reasonable belief that they have violated Board policy, the Code of Student Conduct, and/or a school rule, they are expected to notify parents that their child has been or will be interviewed.
- i. The school principal / designee does not need to seek prior consent of a child's parent / guardian before questioning them; however, school principals are expected to notify parents as soon as possible following the interview.
 - ii. Notifications to parents should be made using an approved school communication platform by a personal phone call or text message if the parent does not answer the phone call.
 - iii. Notifications should include the grounds for the interview and the status of the investigation.
- B. If a student will be kept after school hours to be questioned or interviewed, the parent/guardian will be notified and the school principal / designee will be responsible to maintain supervision of the child until their parents / guardians can pick their child up from the school.
- i. If satisfactory arrangements for transportation after school cannot be made, the student will be allowed to return home and the questioning or interview will resume when the child returns to school.
- C. Per Idaho Code 33-6001, the District is required to notify a parent/guardian if their student has been, or may be, questioned by law enforcement, including a school resource officer unless the student is a victim or a suspected victim of physical child abuse. Notification to parents/guardians in the case of suspected child abuse is the responsibility of the department and will be made at the discretion of the child protection worker or law enforcement officer.

- i. Notification to parents/guardians will be made in accordance with [Board Policy #3377 Student Investigations And Apprehensions By Law Enforcement](#) or [District Policy #5210 Reporting Abuse, Abandonment, or Neglect](#).

DEFINITIONS

Department: means the Idaho Department of Health and Welfare. In this policy, notification of abuse, neglect, or abandonment is made specifically to the Division of Family and Community Services under the child welfare program, also known as child protection services.

Health and Safety Emergency: means any situation which may cause harm, either physically or mentally, to a student, and require the care of an outside medical professional and/or limit the student's ability to learn in their regular educational setting.

Interview: The questioning of a student who may be a witness or victim of an incident.

Investigation: to search out and examine the particulars in an attempt to learn the facts about something hidden, unique, or complex, especially in an attempt to find a motive, cause or culprit.

Reason to Believe: as used in this policy means evidence which, if presented to individuals of similar background and training, would cause those individuals to believe that a child was abused, neglected, or abandoned per the definitions listed in this policy.

Staff: includes all District employees, including administrators, certified and classified personnel.

Question: means a formal conversation with District staff that is intended to further an investigation into violations of Board policy, the Code of Student Conduct, and/or school rule.

Adopted:

Reviewed:

Revised:

Cross Reference:

#3377 Student Investigations and Apprehensions by Law Enforcement
#5210 Reporting Abuse, Abandonment or Neglect

Legal Reference:

34 CFR § 99.31(a)(10) Family Educational Rights and Privacy
34 CFR § 99.36(a) Family Educational Rights and Privacy

Idaho Code § 16-1602 Definitions

Idaho Code § 6-904(1) Exceptions to Governmental Liability
Idaho Code § 16-1605 Reporting of abuse, abandonment or neglect.
Idaho Code § 16-1606 Immunity
Idaho Code § 16-1607 Reporting in bad faith – Civil damages
Idaho Code § 16-1618 Investigative interviews of alleged child abuse
victims
Idaho Code § 16-1631 Authorization for Department to Act

Other Reference: IDAPA 16.06.01 Child and Family Services
Idaho Attorney
General Opinion 93-2
(1993) (pages 36-47)

Located at:

<https://www.ag.idaho.gov/content/uploads/2017/12/1993.pdf>