

I. PURPOSE

There are occasions in which persons other than NWSISD staff find it necessary to speak with a student during a NWSISD program or activity. Student safety and disruption of the educational program is of concern to NWSISD. The purpose of this policy is to establish the procedures for access to students by authorized individuals during a NWSISD program or activity.

II. GENERAL STATEMENT OF POLICY

- A. Generally, students may not be interviewed during a NWSISD program or activity by persons other than a student's parents, NWSISD staff and/or agents, except as otherwise provided by law and/or this policy.
- B. Requests from law enforcement officers and those other than a student's parents, NWSISD staff and/or agents to interview students shall be made to the Executive Director or her/his designee. Upon receiving a request, it shall be the responsibility of the Executive Director or designee to determine whether the request will be granted. Prior to granting a request, the Executive Director or designee shall attempt to contact the student's parents to inform them of the request, except where otherwise prohibited by law.

III. INTERVIEWS CONDUCTED UNDER THE MALTREATMENT OF MINORS ACT

- A. In the case of an investigation pursuant to the Maltreatment of Minors Act, Minn. Stat. § 626.556, Subd. 10, a local welfare agency, the agency responsible for investigating the report, and a local law enforcement agency may interview, without parental consent, an alleged victim and any minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at a NWSISD program or activity site and during the hours of that program or activity. NWSISD staff will work with the local welfare agency, the agency responsible for investigating the report, or law enforcement agency to select a place appropriate for the interview. The interview may take place outside the presence of the perpetrator or parent, legal custodian, guardian, or NWSISD staff.
- B. If the interview took place or is to take place at a NWSISD program or activity, an order of the juvenile court pursuant to Minn. Stat. § 626.556, Subd. 10 (c) may specify that NWSISD staff may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child during a NWSISD program or activity and/or any other related information regarding the interview that may be a part of the child's record. The NWSISD staff member must receive a copy of the order from the local welfare or law enforcement agency.

- C. When the local welfare, local law enforcement agency, or the agency responsible for investigating the report, determines that an interview should take place at a NWSISD program or activity site, NWSISD staff must receive written notification of intent to interview the child at a NWSISD program or activity site, prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview at a NWSISD program or activity site. Where the interviews are conducted by the local welfare agency, the notification must be signed by the chair of the local social services agency or the chair's designee. The notification is private educational data on the student. NWSISD staff may not disclose to the parent, legal custodian or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded, unless a NWSISD staff member is alleged to have maltreated the child. Until NWSISD staff receive said notification, all inquiries regarding the nature of the investigation or assessment should be directed to the local welfare or law enforcement agency responsible for the investigation or the agency responsible for assessing or investigating a report of maltreatment shall be solely responsible for any disclosures regarding the nature of the assessment or investigation. Once said notification is received, it and the notification of intent to interview shall be placed, as appropriate, in the student's file in the student's home school district.
- D. NWSISD staff shall have discretion to reasonably schedule the time, place, and manner of an interview by a local welfare or local law enforcement agency on NWSISD premises. However, where the alleged perpetrator is believed to be NWSISD staff member, the local welfare or local law enforcement agency will have discretion to determine where the interview will be held. The interview must be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between NWSISD staff and the local welfare or law enforcement agency. However, NWSISD staff must yield to the discretion of the local welfare or law enforcement agency concerning other persons in attendance at the interview. NWSISD staff will make every effort to reduce the disruption to the educational program of the child, other students, or NWSISD staff when an interview is conducted at a NWSISD program or activity site.
- E. Students shall not be taken from a NWSISD program or activity site without the consent of the Executive Director or designee and without proper warrant.

Legal References: Minn. Stat. § 13.32 (Educational Data)
Minn. Stat. § 626.556, Subd. 10(c) and (d) (Duties of Local Welfare Agency and Local Law Enforcement Agency Upon Receipt of a Report)

Cross References: NWSISD Policy 103 (Complaints - Students, Employees, Parents, Other Persons)
NWSISD Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)
NWSISD Policy 515 (Protection and Privacy of Pupil Records)

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