

Interviews and Interrogations of Students on Program Premises

Although ESD 112 values its relationships with law enforcement, the Department of Children, Youth and Families (DCYF) and the county health department, ESD 112 encourages interviews and interrogations of students by law enforcement, DCYF and the county health department(s) to take place off program premises in order to minimize interruption to the instructional program. As a general rule, interviews and interrogations by any agency, including law enforcement, DCYF, and the county health department should take place at the agency or the student's home, rather than ESD premises.

However, there are limited circumstances when an interview of students at an ESD facility are warranted, for example school-initiated investigations, child abuse investigations, and/or serious crime investigations that cannot occur elsewhere. When an interview or interrogation on ESD premises is warranted by the circumstances, the ESD will utilize the procedures and protocols that implement this policy. The policies and protocols should ensure that students and their parents/guardians are afforded all rights under the law. Interviews of students as witnesses, victims and suspects are to be treated differently.

In contrast to the limited circumstances above, the work of immigration agents does not overlap with the work or duties of the ESD. The ESD's obligation and commitment to serve the children residing in its boundaries or enrolled in schools that the ESD serves is not diminished by the children or parents' immigration status. The ESD supports the federal immigration enforcement policy that directs immigration agents to avoid questioning and arrests at sensitive locations, including schools. Therefore, staff shall not grant information or access to immigration agents unless/until the ESD Superintendent and/or legal counsel determine the request complies with the law.

Legal References:

RCW 28A.635.020 Willfully disobeying school administrative personnel or refusing to leave public property, violations, when — Penalty.

RCW 26.44.115 Child taken into custody under court order — Information to parents.

RCW 26.44.110 Information about rights — Custody without court order — Written statement required — Contents.

RCW 26.44.050 Abuse or neglect of child — Duty of law enforcement agency or department of social and health services — Taking child into custody without court order, when.

RCW 26.44.030 Reports — Duty and authority to make — Duty of receiving agency — Duty to notify — Case planning and consultation — Penalty for unauthorized exchange of information — Filing dependency petitions — Investigations — Interviews of children — Records — Risk assessment process.

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