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*MSBA/MASA Model Policy 519*

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## **519 INTERVIEWS OF STUDENTS BY OUTSIDE AGENCIES**

### **I. PURPOSE**

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

### **II. GENERAL STATEMENT OF POLICY**

- A. Generally, students may not be interviewed during the school day by persons other than a student's parents, education district officials, employees 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, education district officials, employees and/or agents to interview students shall be made through the building administrator's office. Upon receiving a request, it shall be the responsibility of the building administrator to determine whether the request will be granted. Prior to granting a request, the building administrator 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 school and during school hours or at any facility or other place where the alleged victim or other children might be found or the child may be transported to, and the interview may be conducted at a place appropriate for the interview of a child designated by the local welfare agency or law enforcement agency. Education district officials 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. When it is possible and the report alleges substantial child endangerment or sexual abuse, the interview may take place outside the presence of the alleged offender and may take place prior to any interviews of the alleged offender.

- B. If the interview took place or is to take place on education district property, an order of the juvenile court pursuant to Minn. Stat. § 626.556, Subd. 10 (c) may specify that education district officials may not disclose to the parent, legal custodian, or guardian the contents of the notification of intent to interview the child on education district property and/or any other related information regarding the interview that may be a part of the child's record. The education district official must receive a copy of the order from the local welfare or law enforcement agency.
- C. When the local welfare agency, local law enforcement agency, or agency responsible for assessing or investigating a report of maltreatment determines that an interview should take place on education district property, education district officials must receive written notification of intent to interview the child on education district property before 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 on education district property. For an interview conducted by the local welfare agency, the notification shall 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. Education district officials 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 school employee or agent is alleged to have maltreated the child. Until education district officials receive said notification, all inquiries regarding the nature of the investigation or assessment should be directed to the local welfare or law enforcement agency or the agency responsible for assessing or investigating a report of maltreatment shall be solely responsible for any disclosure regarding the nature of the assessment or investigation.
- D. Education district officials shall have discretion to reasonably schedule the time, place, and manner of an interview by a local welfare or local law enforcement agency on education district premises. However, where the alleged perpetrator is believed to be an education district official or employee, 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 twenty-four (24) hours after the receipt of the notification unless another time is considered necessary by agreement between the education district officials and the local welfare or law enforcement agency. However, education district officials must yield to the discretion of the local welfare or law enforcement agency concerning other persons in attendance at the interview. Education district officials will make every effort to reduce the disruption to the educational program of the child, other students, or school staff when an interview is conducted on education district premises.
- E. Students shall not be taken from education district property without the consent of the director 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:*** MSBA/MASA Model Policy 103 (Complaints – Students, Employees, Parents, Other Persons)  
MSBA/MASA Model Policy 414 (Mandated Reporting of Child Neglect or Physical or Sexual Abuse)  
MSBA/MASA Model Policy 515 (Protection and Privacy of Pupil Records)