

STUDENTS

Requests to Contact Students and Student Interviews by Non-School Personnel

Removal of Students

Law enforcement officers should not be permitted to remove a student from school while the student is properly in attendance, without permission of the student's parent or guardian, except when legally authorized to do so. For purposes of this policy, a law enforcement officer is defined as: sheriffs, coroners, jailers, marshals, police officers, state highway patrol officers, members of the National Guard on active service by direction of the Governor during periods of emergency and all other persons with similar authority to make arrests. (Neb. Rev. Stat. §49-801).

Law enforcement officers may, in the line of duty, require a student to accompany him or her for questioning or detention either with or without an arrest warrant. A peace officer has the lawful authority to take immediate temporary custody of children under the age of 19 with an arrest warrant, or without a warrant or order of the court when:

1. the student has violated a state law or a municipal ordinance and such student was 11 years of age or older at the time of the violation and the officer has reasonable grounds to believe the student committed such violation and was 11 years of age or older at the time of the violation;
2. the student is seriously endangered in their surroundings and immediate removal appears to be necessary for the student's protection;
3. the officer believes the student to be mentally ill and dangerous as defined in Neb. Rev. Stat. §71-908 and that the harm described in that section is likely to occur before proceedings may be instituted before the juvenile court;
4. the officer has reasonable grounds to believe that the juvenile has run away or is out of care from their parent, guardian or custodian;
5. a probation officer has reasonable cause to believe that a juvenile is in violation of probation and that the juvenile will attempt to leave the jurisdiction or place lives or property in danger.
6. the officer has reasonable grounds to believe the juvenile is truant from school. (Neb. Rev. Stat. §§43-418 and 43-248).
7. the officer has reasonable grounds to believe the student is immune from prosecution for prostitution under subsection (5) of section 28-801; or

STUDENTS

Requests to Contact Students and Student Interviews by Non-School Personnel

Removal of Students (Continued)

8. the student has committed an act or engaged in behavior described in subdivision (1), (2), (3) (b) or (4) of section 43-247 and such student was under 11 years of age at the time of such act or behavior, and the officer has reasonable cause to believe such student committed such act or engaged in such behavior and was under 11 years of age at such time.

If a peace officer or probation officer requests to take custody of a student who is at that time under the control and jurisdiction of Lincoln Public Schools, the following action is to be taken:

1. Establish Authority to Remove. The student should be released after appropriate measures are taken to ensure that the officer has the authority to take the student.
2. Notify Local Law Enforcement. In some instances there may be orders for custody of a student served by the officers with authority to arrest from outside the jurisdiction of Lincoln Public Schools. Local law enforcement should be contacted and requested to participate in or monitor the removal.
3. Notify Parent of Removal. When a principal or other school official releases a minor student to a peace officer for the purpose of removing the minor from the school premises, the principal or other school official shall take immediate steps to notify the parent, guardian or responsible relative of the minor regarding the release of the minor student to the officer and the place to which the student is reportedly being taken. Provided, however, when a minor student has been taken into custody as a victim of suspected child abuse, the principal or other school official is not required to notify the parent or guardian, but shall provide the peace officer with the address and telephone number of the minor student's parents or guardian.

A student should not be released to a private detective or "special police officer" who is not an officer of a Nebraska political subdivision or an officer of an agency of the federal government without consent of the student's parent, guardian or custodian.

Interview of Students

Lincoln Public Schools personnel shall not authorize the interrogation of students at school except by law enforcement officers which shall include police officers, fire officials and Child Protective Service workers who are urged to contact students for questioning outside the instructional day and off school premises whenever possible. When it is appropriate that such questioning occur, the following guidelines are to be followed:

STUDENTS

Requests to Contact Students and Student Interviews by Non-School Personnel

Interview of Students (Continued)

1. Any police officer or fire official desiring to interview a student while the student is attending school shall inform the principal of the school the student attends, stating the nature of the inquiry or investigation.
2. A law enforcement officer shall not be permitted to interview a student during school hours concerning any activity of the student's mother, father or legal guardian except as provided in #4. In connection with other inquiries, the interview shall be permitted and the principal shall determine whether, under the particular circumstances, the parent or guardian of the student should be notified prior to the interview.
 - If an interview of student is requested during school hours concerning an ongoing investigation of a crime not related to Lincoln Public Schools, questioning should not take place until the student's parent, guardian or custodian has been contacted and permission is given for such interview. The presence of a school employee during the interview is not necessary.
 - If the investigation relates to an incident which took place on school premises or during instructional time, it is not necessary to obtain consent of the student's parent, guardian or custodian. In these situations, an employee of the District should be present during the interview to ensure that the interview relates only to the incident which took place on school premises or during instructional time or something which is directly related thereto.
3. If the principal concludes that time is not vital to the investigation and that it would be in the best interests of the student to have a parent or guardian present, it shall be the duty of the principal to delay the interview and to make an effort to notify the student's father, mother, legal guardian, or person standing in relation of parent/guardian to the student, in order that one of such persons can be present if she or he desires. The interview shall not be delayed unduly for any cause.
4. In cases of suspected child abuse, the principal may allow the child to be interrogated without permission of the parents or guardian when it is clear that obtaining parental consent for the interview would be impossible or counterproductive.
5. A probation officer assigned to a student by a court may be allowed the opportunity, on request, to interview a student on school premises. In such situations, it is neither necessary nor desirable that a District employee be present during the interview. It also is not necessary to obtain the consent of the parent, guardian or custodian.

STUDENTS

Requests to Contact Students and Student Interviews by Non-School Personnel

Interview of Students (Continued)

6. In all cases in which parent, legal guardian, or other person standing in relation of parent/guardian, is not present at an interview, the principal, or District employee appointed by the principal, shall be present at all times as the student's representative, and shall be expected to take such action during the course of the interview as a reasonable parent/guardian would take under the circumstances.
7. The principal shall determine when the necessity exists that law enforcement officers be contacted to conduct an investigation of alleged criminal behavior.

Removals and Interviews by Persons Other than Law Enforcement Officials

A person who comes to school premises to interview a student or remove a student prior to the end of the student's instructional day must obtain permission of an administrator or designee.

Permission to remove is not to be granted without consent of the student's parent, guardian or custodian or a person authorized by the student's parent, guardian or custodian to give such permission.

Permission to interview on subjects not related to school matters is not to be granted unless there is a clearly valid and proper reason for the interview and such is not disruptive to school operations or the student's educational program.

Ordinarily, such contacts shall be restricted to the student's parent, guardian or custodian or a friend of the family when an emergency or other similar circumstance exists.

Last Revision:	2022-06-28
Original or Oldest Version:	2016-08-09
Related Policies and Regulations:	
Legal Reference:	28-711, 28-714, 28-716, 79-293, 79-294