



5470.1: PROCEDURES FOR LAW ENFORCEMENT QUESTIONING AND APPREHENSION OF STUDENTS

I. General Statement

District personnel shall cooperate and not interfere with law enforcement officers who are acting in their official capacity.

II. Contact by Law Enforcement Officers

A. Non-Exigent Circumstances. If a law enforcement officer requests to interview a student or to remove a student from school when no exigent circumstances are present, the following procedures will be followed:

1. When an officer makes contact with a staff member about questioning or apprehending a student, the staff member shall refer the officer to the Office of Student Services.

2. Student Services will inform the officer of the student's location, and will direct the officer to take the following steps:

a. Report to the principal's office where the student is located;

b. Present the principal with verification of the officer's identity;

c. Provide the principal with the name of the student to be interviewed or apprehended; and

d. To the extent that it can be released, provide the principal with all pertinent information concerning the case.

3. After providing the directions in Section II (A) (2) to the officer, Student Services will inform the principal that an officer is attempting to make contact with the student, and that the officer has been directed to report to the principal.

4. Unless the officer requests otherwise, the principal or principal's designee may be present during the questioning of the student.

5. If the officer determines that the student should be removed from school, District staff will fully cooperate, and the procedures provided in Section III of this Rule shall be followed.

6. Any information or evidence obtained by the District relevant to a matter under investigation should be preserved. The building principal or principal's designee shall be responsible for adopting or having in place guidelines for preserving relevant information or evidence.

7. The student's grade level administrator or Student Services shall inform the student's parent(s) or guardian(s) of the law enforcement contact as soon as practicable, unless the case involves suspected child abuse or the officer instructs the District not to contact the student's parent(s) or guardian(s) in which case no contact shall be made.

B. Exigent Circumstances. If a law enforcement officer informs a staff member that exigent circumstances exist and/or that an immediate arrest must be made, the District will take whatever steps are necessary to enable the officer to immediately apprehend the student. The staff member shall inform Student Services of the law enforcement contact as soon as practicable. The student's grade level administrator or Student Services shall inform the student's parent(s) or guardian(s) of the law enforcement contact as soon as practicable, unless the case involves suspected child abuse or the officer instructs the District not to contact the student's parent(s) or guardian(s) in which case no contact shall be made.

III. Apprehension by Law Enforcement Officers

A. Procedures In Cases of Suspected Child Abuse or When Instructed Not to Contact Parents. When a student is apprehended by a law enforcement officer and removed from school, and when the case involves suspected child abuse or the officer instructs that there should be no contact with the parent(s) or guardian(s), the following procedures shall be followed:

- 1. The principal or principal's designee shall not notify the student's parent(s) or guardian(s) of the apprehension.**
- 2. The principal or principal's designee shall attempt to ascertain from the officer the place where the student is being taken.**
- 3. The principal or principal's designee shall provide the officer with the address and telephone number of the student's parent(s) or guardian(s).**
- 4. The principal or principal's designee shall inform Student Services of the law enforcement apprehension as soon as possible.**

B. Procedures In All Other Cases. In all other cases when a student is apprehended by a law enforcement officer and removed from school, and which do not involve suspected child abuse or the officer does not instruct that there should be no contact with the parent(s) or guardian(s), the following procedures shall be followed:

- 1. The principal or principal's designee shall attempt to ascertain from the officer the place where the student is being taken.**
- 2. The principal or principal's designee shall provide the officer with the address and telephone number of the student's parent(s) or guardian(s).**
- 3. The principal or principal's designee shall take immediate steps to notify the student's parent(s) or guardian(s) regarding the apprehension of the student by the officer and the place to which the student is reportedly being taken.**
- 4. The principal or principal's designee shall inform Student Services of the law enforcement apprehension as soon as possible.**

IV. Law Enforcement Request for Student Records

Student records will be provided only in accordance with applicable law and District Policy. Student records may be released to law enforcement officers under the following circumstances:

- A. Pursuant to a warrant, court order, or lawfully issued subpoena provided, however, that the District has made a reasonable effort to notify the student and the student's parent(s) or guardian(s) prior to compliance.**
- B. The records contain only directory information. Directory information may include the parent's and student's name, address, e-mail address, telephone number, date and place of birth, major field of study, current grade level, enrollment status, participation in officially recognized activities and sports, dates of attendance but not including specific daily records of attendance, degrees, honors and awards received, the most recent previous educational agency or institution attended by the student, photographs, and other similar information.**
- C. The student's parent(s) or guardian(s) has provided written authorization permitting the release.**
- D. Personally identifiable information from an education record can be disclosed to appropriate parties in connection with an emergency if knowledge of the information is necessary to protect the health or safety of the student or other individuals.**

Date of Revision

July 6, 1998

October 16, 2000

November 19, 2018

Reaffirmed

March 21, 2011

Related Policies and Rules

[5480.1: Search and Seizure](#)

[5710.1: Student Records](#)

Legal Reference

20 U.S.C. §1232g

34 C.F.R. § 99.1 et seq.

Neb. Rev. Stat. §43-248

Neb. Rev. Stat. §43-250

Neb. Rev. Stat § 79-294