

QUESTIONING AND APPREHENSION

In order to protect students' rights during the time they are under school control, the principal shall interview every person who wishes to question a student on school property during the school day. The superintendent shall be informed of such incidents.

Law Enforcement Officers

- A. If a law enforcement officer has an arrest warrant, the principal shall ensure that all procedural safeguards as prescribed by law are observed. No student shall be taken from the school without the knowledge of the principal or other person in charge of the school. The principal shall make every reasonable effort to notify parents/guardians. The superintendent shall be informed whenever such apprehensions take place;
- B. If a law enforcement officer has a juvenile complaint or wants to question a student on school property, the principal shall request that the questioning be delayed if possible until the parents/guardians can be present. If the officer refuses and the principal is convinced that the situation justifies questioning, he/she must attempt to have the parents/guardians informed immediately and shall remain with the student during the questioning;
- C. If the law enforcement officer is an agent of the New Jersey Division of Child Protection and Permanency (DCP&P)*, the agent shall determine whether the presence of a parent/guardian or school employee is appropriate.

Private Persons

If a private person wishes to question a student on school property during the school day, generally parents/ guardians shall be notified of the request and give their permission before the principal will permit the private person to question the student. In cases involving possible harm to another student which might be prevented by early information, the principal may permit such questioning if the parent/guardian cannot be reached. The principal shall be present during the questioning.

Weapons and Substance Abuse Questioning by Staff

When questioning any student about possible possession, use, or distribution of proscribed substances, drug paraphernalia, alcohol, firearms or other deadly weapons, staff shall follow the procedures adopted by the board in compliance with administrative code.

Generally

The superintendent shall notify the board president when the police have sought to question a student in school, and the outcome of the incident. The district shall make every effort to establish close and cordial relationships with local law enforcement and other agencies, while ensuring that the parents/ guardians are informed and student rights protected.

*NOTE: as of January 2013 the Division of Youth and Family Services (DYFS) changed its name to Division of Child Protection and Permanency (DCP&P).

QUESTIONING AND APPREHENSION (continued)

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Key Words

Questioning, Apprehension, Student Arrest, Student Arrest, Arrest

Legal References: N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure
N.J.S.A. 2C:35-5 Comprehensive Drug Reform Act of 1986
N.J.S.A. 18A:11-1 General mandatory powers and duties
N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
N.J.A.C. 6A:16-4.1 Adoption of policies and procedures for the intervention of student alcohol and other drug abuse
N.J.A.C. 6A:16-5.1 et seq. School Safety
See particularly:
N.J.A.C. 6A:16-5.7
 through -5.8
N.J.A.C. 6A:16-6.1 et seq. Law Enforcement Operations for Substances, Weapons, and Safety
See particularly:
N.J.A.C. 6A:16-6.1, -6.2, -6.3
N.J.A.C. 6A:32-7 et seq. Student records
New Jersey Constitution, Article I, paragraph 7
U.S. Constitution, Amendments IV, V, and XIV
The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)
In re Gault, 387 U.S. 1 (1967)
A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

Possible

Cross References: *1410 Local units
 *5114 Suspension and expulsion
 *5131 Conduct/discipline
 *5131.6 Drugs, alcohol, tobacco (substance abuse)
 *5131.7 Weapons and dangerous instruments
 *5145.12 Search and seizure

*Indicates policy is included in the Critical Policy Reference Manual.