

The School District of Neillsville is committed to establishing a cooperative working relationship with all administrative sanctioned agencies whose representative(s) need/wish to work with students. The district is also interested in ensuring that the rights of students and their parents/guardians are maintained while the student is a responsibility of the school district.

Therefore, the School District of Neillsville has established procedures which will be adhered to when non-school personnel work with district students. For the purpose of this policy, non-school personnel are individuals or agencies that are not employees of the School District of Neillsville, or at the time of the request to interview are not performing services for the School District of Neillsville pursuant to service provider contracts. These procedures shall be in effect during acknowledged school hours, which include those extended times for school-approved activities.

Student Questioning by Non-School Personnel

All non-school personnel shall comply with the following procedures as they concern district students:

1. Non-school personnel shall make every effort to conduct their business with students at a time other than during normal school hours. In the event it becomes necessary, and if it is in the best interest of the student for non-school personnel to see him/her during the school day, interviews at the school should be coordinated with class schedules. Exam periods shall not be interrupted except in emergencies. The decision as to whether or not to grant an interview, and the time and place of such interview, shall be determined by the building principal or his/her designee.
2. All non-school personnel who have requested and gained permission to work with a student are required to report to the building principal's office (or his/her designee) before meeting with that student.
3. When law enforcement personnel are involved, they shall be as inconspicuous as possible. Summoning students from classes shall be done by the building principal or his/her designee.
4. Except as provided for in paragraph 11 herein, prior to requesting school permission to interview a student, law enforcement personnel shall call or visit the parent(s)/guardian(s) and obtain their permission for the interview. A form will be signed by the officer or parent(s)/guardian(s) allowing interrogation and indicating that the parent(s)/guardian(s) have been contacted and have given consent to the interrogation. The officer shall request that the parent(s)/guardian(s) call the building principal or his/her designee advising him/her that they have given the officer permission to question the student. The School District of Neillsville reserves the right to allow school personnel to be present during the interview if the principal or designee deems necessary.

Legal Reference: WI Statutes 118.126

Initial Adoption: 2/8/10

Final Adoption: 3/8/10

- a. If the parent(s)/guardian(s) refuse permission, the non-school personnel shall not be allowed to question the student on school grounds.
 - b. If the parent(s)/guardian(s) cannot be reached, the law enforcement personnel shall not talk to a student except in an emergency situation. The determination of what constitutes an emergency is left to the judgment of the law enforcement personnel. Examples of an emergency situation would include:
 - 1). Reliable information that a student is going to run away.
 - 2). Reliable information that a student may be engaging in an activity that may be hazardous to himself/herself or others.
 - 3). Abuse and neglect.
5. Non-school personnel shall not remove a student from the school building while the student is properly in attendance without the written permission of the parent(s)/guardian(s), unless a warrant for the student's arrest or an official order of a judge of a children's court is presented, or unless an officer or social worker is relying on their powers to take a student into custody as provided for in Wisconsin Statute 48.19, 48.08(2), or emergency detention requirements under 51.15.
6. If a student is arrested or taken into custody, the law enforcement officer(s) shall call to inform the student's parent(s)/guardian(s). Parent(s)/guardian(s) shall be notified in advance of removal from school and advised to be at the destination to where the student is being removed. District officials shall not be required to provide legal counsel to any student since the appointment and/or retention of counsel is properly reserved for the student, parent(s)/guardian(s), and the courts.
7. Social workers and counselors from agencies other than the school shall not remove a student from the school building while the student is properly in attendance without the written permission of the parent(s)/guardian(s), or unless the student is under the legal/physical custody of the agency represented. The student shall not be released from school to another agency until the legal/physical custodian provides the legal authority indicating the right to remove the student. The only exception to the above will be social workers exercising power under WI Stats s.48.08(2).
8. Social workers and counselors from agencies not acting as school personnel, shall counsel with a student only upon receipt of permission to do so by either the parent(s)/guardian(s) or the agency holding legal custody. (If put in a court order).
- 1) A social worker from Clark County is allowed one visit at the student's request without informing the parent(s)/guardian(s). (Other visits must be approved by parent(s)/guardian(s) or allowed by law).
9. School records and other information shall be made available to non-school personnel according to district's student records policy and procedures or as it pertains to WI Stats. Chapter 48.

10. If a student is in a state of emergency, as defined in Wisconsin Statutes Sec. 51.15, or 51.45 (intoxicated or incapacitated by alcohol) (that is, that the student is mentally ill, drug dependent or developmentally disabled and there is a substantial probability of physical harm, either to himself/herself or to others), a law enforcement officer or other authorized person, has the right to remove the student from the school and place him/her in emergency detention, without seeking parental approval. The parent(s)/guardian(s) shall be notified after the student has been removed from school by the removing agency. The school will attempt to notify parent(s)/guardian(s) unless directed otherwise. When removing any student from school, the law enforcement officer or authorized person shall be governed by the provisions of WI Stats Sec. 51.15. The officer shall notify the principal, or his/her designee, of the reasons for the removal of any student prior to any such removal and the building principal, or his/her designee, shall give prior approval for any such removal. However, if the situation warrants it, the law enforcement officer or other authorized person has the authority to remove the student under Sec. 51.15 without the approval of school authorities.

A copy of the order permitting the law enforcement officer to remove the student from the school and place him/her in emergency detention shall be left with the building principal or his/her designee.

If the student is to be kept out of school, the law enforcement officer shall notify the school officials to that effect.

11. In other situations involving questioning of students by non-school personnel not covered herein, the administrators within the district shall exercise appropriate judgment pertaining to each individual situation. He/she shall make every effort to cooperate with non-school personnel while maintaining the rights of the student.

Initial Adoption: 2/8/10

Final Adoption: 3/8/10

I. Guidelines

- A. If the police and administration decide that the matter should be handled by the school district, administration will notify the police of results after the investigation is complete. If during the investigation the matter becomes expanded and more serious, the police will then be called again and may want to enter the investigation.
- B. All matters related to abuse, suicide, pregnancy, sexual assault or a runaway will be reported to Social Services (not police).
- C. A situation, such as students fighting, will be reported to the police if there is a weapon involved, serious injury is involved (requiring physician's services), or a student is threatened. This could include a student being seriously intimidated by one or more persons.

II. Procedures for Police Involvement

- A. The building principal will call the parent(s)/guardian(s) and ask if the police have permission to talk to their son or daughter. If permission is received, the building principal may or may not sit in on the discussion. This will depend on whether the police want the principal to know about the situation.
- B. If the parent(s)/guardian(s) refuses permission, the parent(s)/guardian(s) will be invited to sit in on the questioning.
- C. If the parent(s)/guardian(s) still refuses permission, the police will investigate through different channels other than at the school. It is then up to the school to decide if they want to investigate on their own.

Initial Adoption: 2/8/10

Final Adoption: 3/8/10

CONTRACT

APPENDIX "B"

IT IS HEREBY AGREED BY and between the Clark County Department of Social Services and the School District of Neillsville, Clark County, Wisconsin: that, the following services will be provided by the Clark County Social Services Department to the School District of Neillsville:

1. Social casework services relating to the medical and health needs of children with physical handicaps.
2. Social casework services to the handicapped will cover the following areas:
 - a. Casework services to children and their families
 - b. Casework services to the school staff
 - c. Casework liaison with community agencies such as 51.42/437 Boards, etc.
3. Casework services will be provided on an individual case basis upon request or referral from the school district.
4. A simple referral form will be provided by the Clark County Department of Social Services which will indicate the presenting problem and give some brief background material.
5. A referral will enable the Social Services Department to contact children, school staff and community agencies as it deems fit, in order to extend the casework services deemed necessary to solve the presenting problem.
6. These services will be provided at no cost to the school district.
7. A social worker will be provided in school as agreed upon between the school district and Clark County Department of Social Services during which time he/she will be available for consultation for any student or staff member.
8. The foregoing formal contract will enable the social worker providing casework services to have access to the records of the student with whom he/she is working, without fear that the rules of confidentiality are being violated.

Initial Adoption: 2/8/10

Final Adoption: 3/8/10

STUDENT QUESTIONING BY NON-SCHOOL PERSONNEL

JFG

Non-School Personnel Questioning Form

Appendix "C"

Student's

Name: _____

Date and hour of interviews: _____

Police Officer/Protective Service Personnel were contacted by school representatives. No parental permission is required.

Parent(s)/guardian(s) grant permission to administration.
Member of administration:

Police officer/protective service personnel indicated parental permission.
Officer/protective service personnel:

Parent(s)/guardian(s) will be present.
Parent/guardian:

Student is over 18 years of age.
Student:

Student is questioned under emergency situations/child protective services where no parental permission is required.

Signature of Peace Officer/DDS Staff

Signature of Principal