

QUESTIONING AND APPREHENSION

In order to protect pupils' rights during the time they are under school control, the principal shall interview every person who wishes to question a pupil on school property during the school day. The chief school administrator 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 pupil 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 chief school administrator 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 Division of Youth and Family Services (DYFS), 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 pupil 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 pupil. In cases involving possible harm to another pupil 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 pupil 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 pupil 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 pupil rights protected.

**Date Reviewed: March 19, 2014, April 16, 2014**

**Date Adopted: May 21, 2014**

QUESTIONING AND APPREHENSION (continued)

Key Words

Questioning, Apprehension, Pupil Arrest, Student Arrest, Arrest

**Mandated:**

N.J.A.C. 6A:16-6.1(a)1 requires policy and procedures to ensure cooperation between school staff and law enforcement authorities in all matters relating to the unlawful possession, distribution and disposition of controlled dangerous substances (including anabolic steroids), drug paraphernalia, alcohol, firearms and other deadly weapons. N.J.A.C. 6A:16-6.2(b) describes the required components of those policies and procedures.

N.J.A.C. 6A:16-6.1(a)2 requires policy and procedures on the planning and conduct of law enforcement activities occurring on school property, including arrest procedures and undercover operations.

**Other Reasons:**

N.J.A.C. 6A:16-4.1(c) requires policy and procedures on roles of appropriate staff when handling a variety of possible substance-related situations involving pupils on school property and at school functions.

N.J.A.C. 6A:16-5.2 requires plans, procedures and mechanisms for response to emergencies and crises.

N.J.A.C. 6A:16-5.5 through –5.7 describe removal procedures for students apprehended for assault and weapons offenses.

N.J.A.C. 6A:16-6.3 describes procedures for staff when a student may be in possession of or involved in distribution of controlled substances on or within 1000 feet of school property.

**Recommendation:**

A policy addressing questioning of pupils by law enforcement authorities and other persons; reference should be made to procedures to be followed in substance abuse/violence questioning by staff.

It is also advisable to acknowledge the board's obligation to protect pupil rights.

QUESTIONING AND APPREHENSION (continued)

**Legal References:** N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure  
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. 6:3-6.1 et seq. Pupil records  
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:16-5.2, -5.7  
 through -5.8  
N.J.A.C. 6A:16-6.1 et seq. Law Enforcement Operations for Substances, Weapons,  
See particularly: and Safety  
N.J.A.C. 6A:16-6.1, -6.2,  
 -6.3  
  
 New Jersey Constitution, Article I, para. 7  
  
 U.S. Constitution, Amendment IV, V, 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 (1999 Revisions)

**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.