

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 the officer has a juvenile complaint or warrant, the principal shall request that the questioning be delayed if possible until the parents/guardians can be present. If the officer refuses, the principal must attempt to have the parents/guardians informed immediately, and shall remain with the pupil during the questioning.
- B. If the officer does not have a juvenile complaint or warrant, the principal shall ascertain the nature of the inquiry and the necessity for conducting it in school rather than at home. If the principal is convinced that the situation justifies questioning the pupil in school, he/she shall attempt to notify the parents/guardians. If they cannot be reached, the principal shall remain with the pupil during the questioning.
- C. If the officer is a DYFS agent, the agent shall determine whether the presence of a parent/guardian 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.

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 the safe and drug-free schools code.

QUESTIONING AND APPREHENSION (continued)

Generally

The chief school administrator 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: February 10, 1998

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. 6:29-6.1 et seq. Substance abuse
- See particularly:
- N.J.A.C. 6:29-6.3
- N.J.A.C. 6:29-10.1 et seq. Safe and drug free schools
- See particularly:
- N.J.A.C. 6:29-10.2(a),
-10.3(b)5,
-10.4(a)1(i)

New Jersey Constitution, Article I, para. 7

U.S. Constitution, Amendment IV, V, XIV

In re Gault, 387 U.S. 1 (1967)

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