

Book	Policy Manual
Section	FOR BOARD APPROVAL - Volume 38, No 2, April 2026
Title	Updated Copy of THE SCHOOLS AND LAW ENFORCEMENT AGENCIES
Code	po5540
Status	
Adopted	March 21, 2006
Last Revised	August 19, 2025

5540 - THE SCHOOLS AND LAW ENFORCEMENT AGENCIES

The School Board is committed to maintaining the educational atmosphere of the schools and restricting access by individuals not part of the school system but also recognizes its responsibility to comply with the law and its need for assistance from law enforcement in certain circumstances.

The School Corporation employs or utilizes with respect to a Memorandum of Understanding with the local law enforcement agency one or more School Resource Officers (SROs).

When law enforcement agents, including ~~the U.S. Immigration and Customs Enforcement (ICE)~~ **Federal Agents associated with the United States Federal government**, request permission to interview a student at school or on School Corporation premises, the Superintendent or Principal shall be contacted prior to any further action by law enforcement **or Federal agents**. The administrator shall determine whether it is appropriate to provide access to the student based on the officer's purpose; whether the officer has stated that there is an emergency involving imminent threat to the school, its staff, or students; ~~whether or~~ **whether the officer is in possession of a valid judicial warrant; and whether the law enforcement agent and/or Federal agents show proof of identity (badge)**. A judicial warrant shall be deemed valid if executed by a judge or magistrate of a State or Federal Court and describes the school premises that are or the individual who is the subject of the judicial warrant.

If a law enforcement agent interrogates a student on school property, no school representative shall be present during the interview. Rather, any such interrogation shall be considered a law enforcement issue handled by the law enforcement agency.

If a student is interrogated by a law enforcement agent on school property, the Principal must make an effort to immediately notify the student's parent of the interrogation. If immediate notification is not possible, the Principal must notify the student's parent not later than twelve (12) hours after the interrogation occurs.

When an agency or law enforcement agent removes a student from school, the Principal shall notify the student's parent and the Superintendent before the time the student would normally arrive home on that day.

Law enforcement investigations on school premises fall into two (2) primary categories. First, some investigations will occur at the request of Corporation administration due to suspicion of a violation of school policy that also may be criminal. Second, law enforcement investigations may occur without the initiation of school officials and may or may not involve activity on school grounds.

Different procedures are to be followed in each instance as outlined below:

A. By law enforcement agents, on request of Corporation authorities

1. An administrator may exercise discretion in determining whether to request the assistance of law enforcement in investigating a crime, or allegation of a crime, committed in the administrator's school building or on school grounds during school hours. If assistance is so requested, it shall be directed to the local law enforcement agency, and the administrator shall remain the primary investigator with assistance from law enforcement. When determining whether to contact law enforcement, the Principal shall consider the mandatory reporting requirements of I.C. 31-33-5, in the case of suspected child abuse or neglect, I.C.

20-33-8-16(g), with respect to a student who brings a firearm or destructive device to school or on school property or is in possession of a firearm or destructive device on school property, and I.C. 20-33-9, with respect to a threat made to, the intimidation of, battery of, or harassment of a school employee. However, any time a law enforcement agent interrogates a student on school property, no school representative shall be present during the interview, including the administrator primarily responsible for the investigation. Rather, any such interrogation shall be considered a law enforcement issue handled by the law enforcement agency.

2. If the administrator requests assistance, a law enforcement officer may conduct an investigation within the school building and interview students as witnesses in school during the school day. Administrators shall take steps to assure that students are not removed from classes if at all possible. The student may request representation, such as legal counsel. If a student requests legal counsel, the administrator will make an effort to contact the parent(s), and the student will be placed in the custody of the law enforcement agency. The administrator shall attempt to contact the parent(s) of any student prior to questioning by law enforcement. A decision whether to take a student into custody is the decision of the law enforcement agent.
3. If the investigation focuses on a particular student as a prime suspect of a crime, the administrator and the law enforcement agent shall abide by the guidelines with respect to any interrogation, search, and arrest. Once law enforcement is involved in an investigation of possible criminal activity on school grounds, assuring that the student's constitutionally protected rights are respected during the investigation process is the law enforcement agent's responsibility.
4. School officials shall assist and cooperate in investigations as requested by law enforcement and consistent with Corporation responsibility to maintain the confidentiality of student records under State and Federal law.

B. By law enforcement agents without the request of Corporation authorities

1. Law enforcement agents, including the U.S. Immigration and Customs Enforcement (ICE), will be asked to make every effort to interview students outside of school hours and outside of the school setting in those cases where assistance has not been requested by Corporation authorities. This procedure will not apply to circumstances where a serious crime may be involved, where imminent threats to persons or property may be involved, or where law enforcement states that it is not feasible to interview the student outside of school due to the nature of the investigation and that they are not able to provide specific information substantiating the need to immediately interview the student.
2. If law enforcement deems it absolutely necessary to interview a student at school, the law enforcement agent shall first contact the administrator regarding the planned visit and inform the administrator of the circumstances that require law enforcement to investigate within the school and obtain the administrator's approval to interview a student during school hours. The law enforcement agent shall not commence an investigation until such approval is obtained. The law enforcement personnel may appeal to the Corporation Administrator if it is deemed that approval was unreasonably withheld. Provided, however, that prior approval by the administrator is not required if the law enforcement agent has a valid judicial warrant.

Except in the case of an emergency or where the law enforcement agency has a **judicial** warrant, all law enforcement agents must follow the procedures for school visitors as established by the Superintendent pursuant to po9150 – School Visitors **and any administrative guidelines**.

The administrator shall make every effort to maintain the privacy of the student.

3. Accordingly, the administrator shall do the following:
 - a. require the law enforcement agent to sign in upon arrival at the school and complete a form stating the reasons why questioning may not wait until after school hours. If the agent indicates it is a confidential investigation, school officials shall allow access;
 - b. request that the student be pulled out of class by a school administrator, rather than a law enforcement officer, if necessary;
 - c. notify the law enforcement officer that the school official will be attempting to contact the student's parent prior to questioning, unless specifically requested not to because such contact would unduly impede the investigation.
4. If law enforcement agent is in possession of a valid judicial warrant, school officials shall in no way interfere with the officer's execution of the warrant. A judicial warrant shall be considered "valid" if executed by a

judge or magistrate of a State or Federal Court and describes the school premises that are or the individual who is the subject of the judicial warrant. Corporation officials shall not attempt to evaluate the sufficiency of probable cause upon which the judicial warrant is based. **However, enforcement should be limited to the specific and narrow confines of the warrant. Any attempts to extend the execution of the warrant past the administrator's understanding of its limits should be noted in writing contemporaneous to the act itself.**

In the event a law enforcement agent seeks to execute a judicial warrant on school grounds, the agent is to be directed to building administration. The administration shall attempt to assist in executing the judicial warrant by directing the student to report to the office. The school administration shall then: 1) contact the student's parent if the student is a minor; and 2) contact the Corporation Administrator. This process shall be followed unless the law enforcement agent states that the agent has reason to believe that the subject of the warrant poses an immediate threat to the health and safety of others while in the school. In such a case, school officials shall grant access to the facility for execution of the judicial warrant.

Release of Records

Attempts to notify the parents regarding investigations by law enforcement shall be documented.

No school official may release personally identifiable student information in education records to law enforcement without the prior written permission of the parent, a lawfully-issued subpoena, a court order, or in the event of a health or safety emergency. (See Board Policy 8330).

Removal of Student

No student shall be released to a law enforcement agency without written parental permission or a judicial warrant, except in the event of an emergency or for the protection of life or property as determined by the Superintendent.

As used in this policy, "student" means any person enrolled in classes other than adult education classes, and is not limited to persons under eighteen (18) years of age.

Revised 5/20/08

Revised 3/15/16

Revised 10/11/22

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I.C. 31-30.5-1

Ind. R. Evid. 617