



April 2015

ADMINISTRATIVE MEMORANDUM NUMBER FORTY-FIVE A
PERSONS AUTHORIZED TO ACCESS STUDENTS AT SCHOOL

I. PURPOSE

The following memorandum outlines Granite School District recognition of authority and procedures for persons wishing to have access to students at school (access to student records is outlined in Administrative Memorandum #45, Privacy of Student Education Records).

II. ACCESS TO STUDENTS

A. General Rules

1. Schools are places where students are provided education and education-related services. School personnel providing these services (e.g. administrators, teachers, counselors, therapists, aides, student resource officers (SROs), etc.) have access to children at school as needed to perform their various functions. Additionally, school personnel and District personnel providing support to schools meet with students to discuss their conduct or behavior and/or the conduct or behavior of others. School and District personnel will contact parents after communicating with a student when the student is receiving formal discipline, such as a suspension, or in a case where a student's health or safety may be at risk.
2. In circumstances where a school or District administrator reasonably suspects that unlawful activity has been committed by a student, Granite Police officers and/or cooperating agencies will be called to investigate the matter. Law enforcement officers follow agency protocols for contacting parents or guardians to inform them of an investigation.
3. Outside of the educational program, schools are not places to be used by governmental or private entities to locate or otherwise access students for the sake of convenience.

B. Custody and Guardianship

1. Parents and Legal Guardians

Parents with physical custody of their children and court appointed legal guardians with legally supporting documentation control access to their children at school so long as the access does not cause undue disruption.

a. Physical Custody and Joint Custody Distinction

When a child's parents are divorced, courts often award "joint custody" to both parents. However, courts generally award "physical custody" of a child to one parent only. While both parents have access to their child's records (see Memo 45 for details and exceptions), *the parent with physical custody controls access to the child.*

- b. When parents were never married, the state of Utah recognizes both parents listed on the birth certificate (or pursuant to a judgment of paternity) as having joint legal and physical custody. Disputes regarding the same should be referred to the department of Prevention and Student Placement.

2. Examples of Permitted Access

A parent with physical custody comes to the school to meet briefly with the student; checks the student out for the rest of the day in accordance with school procedures; calls to have a message relayed to the student; or calls to talk with the student regarding an urgent situation.

3. Parental Authorization for Others to Access their Child

Parents with physical custody and legal guardians may authorize others to have access to their child. Such authorization must be specific (e.g. emergency contact person has access in an emergency; specific permission for neighbor to pick the child up on a specific date).

4. Youth in State Custody or Youth Involved in Juvenile Court

- a. The legal guardian of a youth in state custody is the case manager. As the legal guardian, the case manager may grant access to others such as foster or proctor parents or trackers.
- b. Courts will often direct, without taking custody, that court officials (e.g. probation officers, guardians ad litem, etc.) be able to access students at various times. These requests shall be honored.

C. Abuse and Neglect

The Utah Department of Child and Family Services (DCFS) and law enforcement conduct investigations of cases involving abuse or neglect of a child (*see* Administrative Memorandum 67 for information on abuse or neglect reporting).

1. DCFS and Law Enforcement Investigations

- a. State law authorizes DCFS and local law enforcement investigators to meet with students at school to investigate allegations of child abuse or neglect.
- b. Schools shall require positive identification from DCFS or local law enforcement investigators and keep a log of requests from investigators.

The log requirement can be met through completion of the “Granite District Notice of Investigation” form (attached). The form shall not be included in the child's cumulative file.

- c. Notice to parents or guardians of investigations are the responsibility of DCFS and local law enforcement investigators. Parent or guardian inquiries concerning an investigation should be directed to the investigator.

2. School Personnel Participation in Abuse or Neglect Investigations

- a. School personnel should cooperate with reasonable requests from DCFS and local law enforcement in child abuse or neglect investigations, including requests to be present during interviews with children. Students may also request the presence of an educator or some other support person during interviews. However, school personnel have no statutory duty or right to be present during interviews.
- b. School personnel who agree to be present in an interview should be careful to clarify with the investigator and child that their role is to provide comfort and to observe, not to “protect the child’s rights.” The role of “protecting the child’s rights” assumes an additional duty for which school personnel do not have statutory authority and may not be prepared.
- c. When turning a student over to a DCFS investigator, an administrator should announce in the presence of the investigator and the student something similar to the following: “I am turning this child over to you in accordance with your request; you are responsible for taking any steps necessary to protect the rights of this child, the parents, and any other persons involved.”

D. Further Access to Students by Law Enforcement

1. School-Related Law Enforcement

The District, to include Granite Police, is committed to cooperating with other local enforcement agencies. As part of that commitment Granite Police and other local enforcement agencies employ and station Student Resource Officers (SROs) in schools. In addition to offering support to the student population, SROs offer *school-related* law enforcement services and conduct *school-related* investigations of criminal activity. SROs may access students in fulfilling their duties. Other law enforcement agents may also access students while assisting in *school-related* law enforcement matters.

2. Non-School Related Law Enforcement

Arresting, detaining, or questioning students for *non-school-related* issues may be allowed in circumstances involving health or safety risks or if a student causes actual or potential disruption or danger to him/herself, other students, or the school. However, schools are not a forum for interviews of students or investigations for *non-school-related* issues.

3. Notice to Parents by Law Enforcement Agents

Notice to parents or guardians regarding student arrests, detentions, or questioning in either *school-* or *non-school-related* issues is the responsibility of the arresting or detaining agency. Schools may follow up with agents to ascertain whether contact has been made with parents or guardians.

/s/

Dr. Martin Bates
Superintendent

GRANITE SCHOOL DISTRICT NOTICE OF INVESTIGATION

INFORMATION:

Date _____ Time _____ School _____

Name of Agency Representative _____

Agency representative is associated with: DCFS ___ Police ___ JJS ___ Guardian ad Litem ___ Other ___

Position of agency representative and contact information: Copy of agency I.D. attached? Yes ___ No ___

Position _____ Phone _____

Other contact info (if needed) _____

Name, birth date, age, and grade of student requested for investigation: (Age as found on school records)

Name _____ Birth Date _____ Age _____ Grade _____

INTERVIEW:

Is the interview for purpose of investigating child abuse/neglect? Yes ___ No ___

Is the interview for purpose of a criminal investigation? Yes ___ No ___

If YES: (Check appropriate spaces)

The student is a suspect _____

The student is a witness _____

The student is a victim _____

Interview is to obtain information only _____

NOTIFICATION:

Has the parent/guardian been notified of this investigation? Yes ___ No ___

If No, will the investigating agency notify the guardian of the investigation (and student's whereabouts) by the end of the school day? Yes ___ No ___

Please be advised, according to agency policy and procedure the representative of the investigating agency has the responsibility to notify the parent/guardian regarding this investigation. *School personnel are advised not to contact parent or guardian regarding the investigation.*

Investigating Representative's Signature

School Representative's Signature

TO BE COMPLETED BY INVESTIGATOR UPON COMPLETION OF INTERVIEW:

It has been determined by investigation agency: (Check appropriate spaces)

The student will be taken into custody _____

The student will remain at school/will be allowed to return home _____

****CONFIDENTIAL INFORMATION****

**This form contains confidential information and is to be maintained by designated personnel only
DO NOT place this form in a student's cumulative file**