

July 23, 2008

AMEND BOARD REPORT 00-1025-PO3
POLICY AND PROCEDURES FOR
INTERVIEWING STUDENTS IN CHICAGO PUBLIC SCHOOLS

THE CHIEF EXECUTIVE OFFICER RECOMMENDS:

That the Board amend ~~adopt~~ the Policy and Procedures for Interviewing Students in Chicago Public Schools.

PURPOSE: From time to time, representatives from outside public agencies may need to interview students enrolled in the Chicago Public Schools (CPS) during the school day. To ensure that student interviews are conducted in a manner which is least disruptive to the educational and administrative process, as well as for consistency of CPS's response concerning official interviews conducted by any of the parties named below, these procedures outlined below are to be followed.

PRIOR HISTORY: None.

POLICY TEXT:

Policy and Procedures for
Interviewing Chicago Public School Students

I. Scope of Policy and Procedure

This policy applies to requests for interviews and/or classroom observations with the a student during the school day by outside public agencies, court-appointed evaluators or their authorized representatives, as part of their official duties during the school day or required classroom observations of the student. The entities agencies most likely to be affected by this policy include, but are not limited to:

- * Department of Children and Family Services and its Division of Child Protection (DCP) and also including private agencies with whom they contract;
- * The Office of the Cook County Public Guardian or other court-appointed attorney or Private-Guardian ad Litem appointed by the court to represent a student;
- * Probation Officers and Educational Advocates of the Juvenile Court;
- * State's Attorney's Office or The Cook County Public Defender's Office, when appointed to represent a student charged with delinquency;
- * Independent Evaluators (e.g., private or court-ordered therapists, psychologists, psychiatrists, etc). Mental health professionals conducting classroom observations by order of court.

EXCEPTION: This protocol and procedure does not apply to the Chicago Police Department, or any individual coming to the school simply to review student records. The requirements of this policy do not apply to employees of the Chicago Public Schools who stand in loco parentis to students or to the Chicago Police Department.

II. Designated CPS Liaison

Each school shall designate an individual to act as the CPS Liaison to the interviewer. The school shall make the list of liaisons available to each of the above-named parties through the CPS Information Office at the Juvenile Center. The CPS Liaison shall ~~help~~ facilitate student interviews.

In addition, each school shall provide the interviewer with the local school's telephone and fax number and the name of the CPS Liaison upon request.

III. Interviewing Students: Non-Emergency

A. REQUEST: For non-emergency interviews, schools are entitled to receive 3 school days advanced notice (~~school days~~) by writing/phone/fax from the individual requesting to interview a student, except when the interviewer anticipates it will take fewer than five minutes ~~constitutes no more than a brief (5 minute) contact with the student~~. The school shall provide ~~make available to the individual making the request~~ the CPS Student Interview Request Form (Attachment A) to the interviewer and ask the interviewer to the individual ~~shall~~ complete the form, ~~preferably~~ prior to the visit. The Interview Request Form shall serve as notice and facilitate scheduling of the interview.

B. PARENTAL NOTIFICATION: (For students 18 years of age or older, who do not have a disabled adult guardian, notification and necessary consent must be directed to the student).

4. NOTICE: Upon receipt of each request to interview a student, the CPS Liaison shall notify the parent or legal guardian by telephone or by sending written notice to the parent (e.g., mail or send a letter home with student), except in the following circumstances:

1. The parent/guardian has previously given prior written consent to the interview; or
2. The interviewer is a caseworker from DCFS or a private agency with a DCFS contract and DCFS is the student's guardian or temporary custodian; or
3. The interviewer is a representative of the court-appointed attorney for the student, such as an employee of the Public Guardian or Public Defender's Office, or a private attorney or guardian ad litem who has been appointed to represent the student.
2. NO NOTICE: ~~No notice is required if the parent has given written consent for the interview, or the individual requesting the interview is a:~~
 - a. ~~DCFS caseworker or private agency caseworker that DCFS contracts with, and proof of legal custody or legal guardianship is provided; or~~
 - b. ~~Court-appointed attorney and guardian ad litem for the child from the Office of the Cook County Public Guardian and/or an employee of that Office; or-~~
 - e. ~~Court-appointed attorney and guardian ad litem for the child other than from the Office of the Cook County Public Guardian.~~

C. ARRANGING THE INTERVIEW

1. PROOF OF AUTHORITY: Upon receipt of a request to conduct a student interview the CPS Liaison shall advise the individual requesting the interview of the need to provide credentials (identification and proof of authority) prior to or at the time of the interview. Appropriate ~~documentation of~~ proof of authority may include:
 - a. *DCFS/DCFS contracted private agency*
 - i. Court order appointing DCFS as legal custodian or guardian of the student; custody or guardianship for DCFS, and for contracted private agency agencies with a DCFS contract must provide the court order and a letter of delegation from DCFS; or
 - ii. Signed consent from parent/legal guardian/surrogate parent.
 - b. Attorneys: A Court order appointing the office (e.g. Public Guardian or Public Defender) or attorney to represent the student.
 - i. Asst. State's Attorneys, Asst. Public Defenders, Private Attorneys
 - (a) Court order, or
 - (b) signed consent from parent/legal guardian.

- ii. ~~Office of the Cook County Public Guardian or Court Appointed Guardian ad Litem~~
~~(a) Court order appointing Guardian ad Litem, or~~
~~(b) Signed consent from parent/legal guardian/surrogate parent.~~
 - c. *Probation Officers & Educational Advocates of the Juvenile Court:*
Signed consent from parent/legal guardian/surrogate parent.
 - d. *Mental Health Professionals: Independent Evaluators: (Court appointed/private-therapists, psychologist, etc.)* Court order authorizing classroom observation by a mental health professional.
 - i. ~~Court order, or~~
 - ii. ~~Signed consent from parent/legal guardian/surrogate parent.~~
2. Scheduling the interview: Student interviews should be conducted at a date and time which is least disruptive to the student's educational day, preferably:
- a. Before the start of school day or immediately after the student's last class; or
 - b. If during the school day, during a class period which is not a core curriculum subject required for graduation.

Classroom observations and non-emergency interviews shall be limited to two class periods, a half day unless prior approval is given by the principal. ~~Non-emergency interviews should last no more than two class periods, unless prior approval is provided by the principal.~~

3. Confirmation of Interview Time: CPS Liaison shall confirm and fax back to interviewer the approved interview date and time, set forth on the bottom of the Interview Request Form (Attachment A).

D. ON THE DAY OF THE INTERVIEW

1. CONFIRMATION: The CPS Liaison shall confirm the student's attendance on the day of the interview. If the student is absent, notify the interviewer as soon as possible and arrange another time, date and location for the interview.
2. ASSISTANCE: If the student/interviewee has any limitation that may affect his/her ability to participate in the interview, such as a disability or language barrier, advise the interviewer of the limitation and offer assistance in the interview.
- 2.3. CHECK IN: The interviewer must check in at the main office and produce his or her credentials (identification and proof of authority) for verification. A photocopy of the interviewer's proof of authority shall be placed in the student's temporary student record file along with a photocopy of the interviewer's identification card, unless that I.D. includes the interviewer's Social Security number. If the I.D. includes a Social Security number, the CPS employee shall not photocopy it, but instead shall verify that s/he reviewed the I.D. by noting this on the CPS Student Interview Request Form.
 - a. Identification: In any instance where there is a question concerning the authenticity of the interviewer's credentials, request the name and telephone number of the interviewer's supervisor and immediately contact that individual to verify the interviewer's identity.
 - b. Proof of Authority: If the individual requesting to conduct the student interview did not previously submit proof of authority, obtain such documentation on the day of the interview.

- ~~3.4.~~ INTERVIEW LOCATION AND PRIVACY: Interviewers are entitled to interview the student privately without school personnel being present during the interview. It is not recommended that the student interview take place in the principal's office. Children who are abused and neglected often believe they are at fault, and conducting the interview in the principal's office can reinforce this inaccurate belief.
- 5. STAFF PRESENCE: School personnel are free to request that the interviewer permit him or her to sit in the interview in order for the student to feel comfortable. If the interviewer rejects the offer, school personnel may not sit in the interview, and should in no way interfere with the interview.
- ~~4.6.~~ ENDING THE INTERVIEW: Upon completion of the interview, the interviewer, or designated school personnel present in the interview, shall return the student to the main office, either to be returned to class or sent home.

IV. Interviewing Students: Emergency

A. EMERGENCY SITUATIONS DEFINED: A DCFS caseworker or Child Protection investigator, an employee of the Cook County Public Guardian's Office, or an attorney appointed to represent a student, may request an emergency interview with a student to investigate reports of child endangerment, including calls to the DCFS Child Abuse Hotline. Emergency interviews will be granted in accordance with the requirements noted in this section.

~~An emergency situation involves a safety issue with respect to the student. An emergency situation will most often involve a **serious unusual incident report**, or may require the **immediate removal of a child**. Specific examples of an emergency may include:~~

- ~~* Incident suggesting child endangerment: DCFS Caseworker or Child Protection Investigator (DCP Worker) or Public Guardian personnel requesting interview to investigate allegations.~~
- ~~* DCFS Hotline call: DCP Worker request to interview student to determine abuse, neglect, or abandonment.~~
- ~~* Student acting out: school contacts caseworker or Probation Officer to assist with intervention.~~

~~It is anticipated that requests for emergency interviews will be made primarily by DCFS/private agency workers contracted with DCFS and the Office of the Cook County Public Guardian.~~

B. PARENTAL NOTIFICATION:

~~In an emergency situation, such as described above, no prior notification of the parent or guardian (or of a student if the student is 18 years of age or older) by the school is required.~~

- 1. Student/Victim. School staff shall not notify the parent/guardian of the alleged student/victim or any student who lives in the alleged victim's home of the request for an emergency interview. Parental consent for the interview is not required or permitted.
- 2. Student/Witness. School staff shall attempt to contact the student/witness's parent to request consent for the interview. Parental consent for an interview with a student/witness is required. The student/witness will be made available for an interview at school **only if** parental consent is granted.

C. ON THE DAY OF THE INTERVIEW: Interview protocols set out in Section III.D above are the same as for non-emergency interviews with the following exceptions:

1. COURTESY CALL: Whenever possible, the interviewer should contact the school prior to his/her arrival to inform the school of the need to interview the student on an emergency basis, to ascertain whether the student is in attendance, and to state the estimated approximate time of his/her expected arrival.
2. DOCUMENTATION OF INTERVIEW: CPS Liaison shall document the emergency interview request by completing the confirmation on the CPS Student Interview Request Form (Attachment A). The completed form shall be placed in the student's temporary student record file.
3. PROTECTIVE CUSTODY TAKEN: ~~If the police or DCP investigator takes protective custody of a child is taken upon completion of an interview,~~ the interviewer shall notify the principal or the principal's designee ~~of such action~~ before leaving the building and provide the school with a contact name and number for follow-up as necessary. The school shall document the action taken in the student's temporary student record file, and shall notify the parent/guardian that protective custody has been taken and shall give the parent DCFS contact information, ~~informing the parent/guardian of whom to contact regarding the whereabouts of the student. At all times, the school shall safeguard the student's right to privacy and confidentiality, in accordance with the law.~~

V. Documentation of Interview in Student Record

If not completed by the interviewer, the CPS Student Interview Request Form shall be completed in its entirety by the school and maintained in the student's temporary student record file along with copies of the credentials of the interviewer. School staff shall not photocopy an interviewer I.D. that includes a Social Security number, but instead shall verify that they reviewed the I.D. by noting this on the CPS Student Interview Request Form.

VI. Resolution of Interview Disputes


In the event a dispute arises between the interviewer and school officials, the matter shall be submitted to the Principal for resolution. If necessary, an appeal can be made directly to the ~~Region Education Officer~~ school's Management Support Director or other designated oversight office.

LEGAL REFERENCES: 325 ILCS 5/1 et seq.; 105 ILCS 10/6, 23 Ill. Adm. Code 375.60.

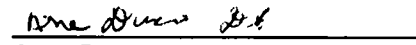
Approved for Consideration:


Barbara Eason-Watkins
Chief Education Officer


Noted:


Pedro Martinez
Chief Financial Officer

Respectfully Submitted:


Arne Duncan
Chief Executive Officer

Approved as to Legal Form: 


Patrick J. Rocks
General Counsel

**Attachment A
CHICAGO PUBLIC SCHOOLS
STUDENT INTERVIEW REQUEST FORM**

This form must be completed and filed in the student's folder, along with the appropriate Documentation of Authority; signed Authorization/Release of Information, if any, and proof of identification, provided on day of interview. Do Not photocopy the interviewer's identification if it contains his/her Social Security number. Instead, sign here that you have checked the interviewer's identification to verify his/her identity. Identity of Interviewer Verified by:

Print Name _____ Signature _____ Title _____ Date _____

INTERVIEWER INFORMATION

Name: _____ Agency/Title: _____
 Address: _____ Telephone No. _____
 _____ Fax No. _____
 Supervisor: _____
 Telephone No. _____
 Date of Request: _____

Reason For Interview (check all that apply)

- DCP Investigation
- Caseworker Interview
- Court-Ordered Eval. by Mtl. Health Professional Classroom Observation
- Court Appointed Educational Advocate
- Independent Evaluation
- Probation Officer Visit
- Attorney or Guardian ad Litem Interview
- Court Appointed Evaluation
- Public Defender or Public Guardian Interview
- Other _____

Request to Review Student Records: ___ Yes ___ No Signed Authorization Release (attached) ___ Yes ___ No
 Documentation of Authority: (Check appropriate category)

- Court Order Appointing Guardianship/Custodian
- DCP Identification
- Signed Authorization/Release of Information by Parent/Legal Guardian/Surrogate Parent
- Court Order Appointing Atty or Guardian ad Litem
- Attorney/Client Representation Letter & Signed Authorization/Release of Information
- Court Order for Classroom Observation by Mental Health Professional

STUDENT AND SCHOOL INFORMATION

School: _____

Name	Unit	Region
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 School Liaison: _____ Telephone: _____ Fax: _____
 Student Name: _____ Grade: _____ ID# _____
 Parent/Guardian: _____ Telephone: _____
 Name and Title of CPS Employee who provided info or assisted with interview _____

INTERVIEW INFORMATION

Amount of Time Anticipated As Necessary For Interview: _____
 Proposed Dates and Times: (Please provide three options, in order of preference)
 1. Date: _____ Time: _____
 2. Date: _____ Time: _____
 3. Date: _____ Time: _____
 ___ Emergency Interview (Check, if applicable)

Interview: ___ Occurred ___ Rescheduled ___ Canceled

CPS CONFIRMATION (to be completed by CPS staff and faxed back to interviewer)

Approved Interview Time: Date _____ Time: _____
 Alternate Suggested Interview Times:
 1. Date: _____ Time: _____
 2. Date: _____ Time: _____
 REASON: _____
 Date Request Received: _____ Date Faxed Confirmation: _____ Initials: _____
 Parent/Guardian Notified: _____ Yes ___ No ___ Date of Notification: _____