

Frequently Asked Questions about School Arrests:

Q: What are my child's rights if he/she is arrested at school?

A: Your child has basically all the same rights if arrested at school as in the community. This means that police officer arresting your child must inform your child of his/her **Miranda rights**. Miranda Rights include:

1. **Right to remain silent.** Your child has the right to not give any information to school officials, police, security, or anyone else until he/she has talked to a lawyer. Tell your child to request a lawyer if he/she is ever facing arrest. Once a lawyer is requested the police **have** to stop their questioning.
2. **Right to not sign anything.** As part of the right to remain silent, your child does not have to sign any papers until a lawyer is consulted.
3. **Right to an attorney.** Your child has the right to a lawyer. This lawyer can be hired by you, if you can afford it, or the court will appoint a public defender in the event that you can't afford a lawyer.

Q: What should I do if the school calls to tell me my child is being arrested?

A: Here are some suggestions.

1. **If possible, go to the school.** Do not reprimand your child in front of law enforcement or school officials.
2. **Tell your child to remain silent.** Tell police and school officials that your child will choose whether or not to speak with them after consultation with a lawyer.
3. **Do not sign anything** until you consult with a lawyer. Your child will be assigned a lawyer once they are booked. This person can help you.
4. If your child is receiving Special Education service, be sure to tell your child's lawyer!

Q: Is the school required to call me if my child is being arrested?

A: Yes, if the child is **under** 17 years old. If your child is 17 or older, the school **is not** required to notify you.