

**BARRE SUPERVISORY UNION # 61  
POLICY****Code: E 31**

1st Reading: 12/21/2017  
2nd Reading: 1/18/2018  
Adopted: 1/18/2018

BCEMS: 1st Reading: 2/12/2018  
2nd Reading: 3/12/2018  
Ratified:

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**Scholarship Awards Policy****Spaulding High School/Central Vermont Career Center**

It is the policy of the Barre Supervisory Union that Spaulding High School and the Central Vermont Career Center shall each maintain a Scholarship Awards Selection Committee. The Principal/Director or their designee will establish procedures to form and maintain a committee which will determine award recipients.

Annually, the Principal/Director or their designee shall provide recipient information as required by independent organizations, entities or individuals that oversee and distribute scholarship funds.

**Barre Town Middle and Elementary School/Barre City Elementary and Middle School**

It is the policy of the Barre Supervisory Union that each PreK-8 school shall administer scholarships and awards to students. The Principals or their designee will establish procedures related to the administration of these scholarships and awards.

BARRE SUPERVISORY UNION #61  
POLICY

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**PREVENTION OF CONFLICT OF INTEREST IN PROCUREMENT**

**Policy**

It is the policy of the Barre Supervisory Union School District that all purchasing and contracting comply with state and federal laws.

No employee, officer, or agent of the Barre Supervisory Union School District may participate in the selection, award, or administration of a purchase or contract if that person has a real or apparent conflict of interest. Any employee, officer or agent with a real, perceived or apparent conflict of interest shall notify the superintendent of the conflict and not participate in the selection, award or administration of the purchase or contract at issue. The superintendent or his or her designee will develop written procedures to implement this policy.

A conflict of Interest arises if an employee, officer, agent, immediate family member, partner, or an organization which employs or is about to employ any of the parties indicated herein, has a direct or indirect financial or other interest in, or a tangible personal benefit from a vendor considered for a purchase or contract.

An employee will not solicit or accept any favor, gratuity, or anything of monetary value from such vendors.

In the event of a violation of this policy, the district or supervisory union may take disciplinary action against the employee, officer or agent according to procedures in the Barre Supervisory Union District personnel manual and/or collective bargaining agreement.

*Legal Reference(s): 2 CFR 200.318 NOTE: This policy satisfies the federal regulatory requirement in 2 CFR 200.318. Alternatively, the district or supervisory union may fulfill this legal requirement by developing "written standards of conduct covering conflicts of interest and governing the actions of its employees engaged in the selection, award and administration of contracts."*

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## **CAPITALIZATION OF ASSETS**

### **Policy**

In order to provide for the proper control and conservation of Barre Supervisory Union property as well as proper accounting for financial reporting purposes, the Superintendent or his or her designee shall maintain a schedule of capitalized assets reported in conjunction with Barre Supervisory Union's annual audit.

### **Implementation**

Capitalization of assets, inclusive of computing devices, equipment, general purpose equipment, information technology systems, special purpose equipment and supplies, occurs when all of the following criteria are met:

1. The asset is tangible and complete. Construction in progress is capitalized but not depreciated until construction is completed;
2. The asset is used in the operation of the district's activities;
3. The asset has a value and useful life at the date of acquisition that meets or exceeds the following:
  - *\$ 5,000 individual component value or bulk purchases of similar items that have an aggregate value of \$5,000 or more and one year of useful life*
  - All buildings and land must be reported regardless of value and useful life at date of acquisition.

Assets acquired through donation will be recorded at their estimated fair market value on the date of donation and capitalized according to the criteria above.

Annual depreciation will be charged in equal amounts over the estimated useful lives of all capital assets. The assets' estimated useful life will be assigned by management in accordance with Generally Accepted Accounting Principles (GAAP) and Governmental Accounting Standards Board (GASB) rulings.

*Legal Reference(s): 2 CFR 200.33 Adoption of this policy is recommended by a joint VASBO/Agency of Education working group on federal grant compliance.*



**BARRE SUPERVISORY UNION # 61  
POLICY**

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***SEARCHES, SEIZURES, AND INTERROGATION OF  
STUDENTS BY LAW ENFORCEMENT PERSONNEL OR  
OTHER NON-SCHOOL PERSONNEL***

**Policy**

It is the policy of the Barre Supervisory to protect the rights and safety of its students. The school districts will work with law enforcement officers and other non-school personnel as necessary to provide a safe school environment and a safe community. School district administrators may invite law enforcement officers to assist them in an emergency. Unless law enforcement officers have a warrant or court order authorizing them to conduct certain activity on school property, school administration may ask them to leave. School administrators will not assist law enforcement officers (including school resource officers) in a search, seizure, or interrogation where the primary purpose is to enforce a criminal law

If a law enforcement official wishes to search or seize school or student property, or interrogate a student, school administration has discretion to grant or withhold consent under certain circumstances as described below:

**Warrant**

If a law enforcement officer presents a proper warrant for the search, seizure, or arrest of a person or property, school administration must comply with the warrant and the officer's requests. However, school administration shall review the scope of the warrant before it is executed.

**School Property**

If a law enforcement officer who does not present a warrant requests permission to search or seize school property, the principal has authority to decide whether to grant or withhold permission. School property includes student lockers, desks, textbooks and materials loaned to students, and data stored on school computers.

**Student Property**

A law enforcement officer who does not present a search warrant may be given permission by school administration to search or seize student property if the school administrators request the

assistance of law enforcement to deal with an emergency affecting the safety of the school population.

If there is no emergency affecting the safety of the school population, a law enforcement officer who does not present a search warrant must obtain permission from a parent or guardian of any student under eighteen years of age before searching that student's property on school grounds. School officials do not have authority to grant officers permission for such searches in the absence of an emergency. Notwithstanding this paragraph, if the officer directs that a parent or guardian is not to be contacted because the search is related to criminal activity of a parent or guardian or to a child abuse or neglect investigation, then the school administrator shall allow the officer to ask the student for permission to conduct the search.

### **Interrogation**

Prior to the start of any interrogation by non-school personnel, school administrators shall ask for proper identification.

School administrators may request the assistance of law enforcement officers to deal with a situation potentially affecting the safety of the school population, and may give law enforcement officers permission to interview students as necessary, however, the school administration will not be present where the officer's interrogation is related to a criminal investigation. Further, a minor student must be given the opportunity to consult with a genuinely interested adult independent from the state (e.g. a parent, guardian, or attorney) before being subject to custodial interrogation. If a student is placed under arrest or removed from the school by a law enforcement officer, the student's parent(s) or guardian(s) should be notified of this action by the school administration as soon as possible, as described below.

Non-school personnel may also question students under the age of eighteen without notification of parents if such questioning (1) is part of a child abuse or neglect investigation conducted by the Department of Children and Families in accordance with Chapter 49 of Title 33 of the Vermont Statutes Annotated or (2) concerns possible criminal activity by the parent or guardian where the student is a victim. School administrators will not be present as a part of any criminal investigation by police.

### **Arrest**

If a law enforcement officer presents a warrant for the arrest of a student or a subpoena for the student's appearance, school administrators shall cooperate in locating the student within the school. Before releasing a student to law enforcement authorities under these circumstances, school administrators shall ask for proper identification and require the officer to sign a form indicating the reason for the removal of the student from school.

If a student is placed under arrest or removed from the school by a law enforcement officer, the student's parent(s) or guardian(s) should be notified of this action by school administrators as soon as possible.

<sup>1</sup> Law enforcement officers must have probable cause that a crime has been or is being committed in order to justify a search or seizure. However, school officials concerned with a violation of school rules need only have a reasonable suspicion that a rule is being or has been broken.

<sup>2</sup> *Wofford v. Evans*, 390 F.3d 318 (4<sup>th</sup> Cir. 2004).

*Legal References: 33 VSA §4915 (Child Welfare Services)*

*J Rapp, EDUCATION LAW (Lexis 2006)*

*W LaFave SERACH AND SEIZURE (2006)*

*In re E.T.C.*, 141 Vt. 375, 378-79 (1982)

*In re E.W.*, 2015 VT 7.

*K.D. v. White Plains Sch. Dist.*, 921 F. Supp. 2d 197, 207 (S.D.N.Y. 2013).<sup>0</sup>

*Cross References: Search Seizure and Interrogation of Students by School Personnel (F4)*

*Student Conduct and Discipline (F1)*



**BARRE SUPERVISORY UNION # 61  
POLICY**

**Code: F4**

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***SEARCH, SEIZURE, AND INTERROGATION OF STUDENTS  
BY SCHOOL PERSONNEL***

It is the policy of the Barre Supervisory Union, herein after referenced as “the Board” or “the District”, in order to provide a safe and orderly school environment, to authorize school administrators to examine all school property and to carry out searches or to seize property of students while on school property or at school related events under the guidelines provided in this policy.

**Scope and General Policies**

- A. This policy applies to searches of students’ persons, possessions, including but not limited to electronic devices, desks, lockers and vehicles by school administration. Desks, lockers, textbooks, technological devices and other materials, equipment or supplies loaned by the school to students remain the property of the school, and may be inspected and searched by school employees without reasonable suspicion and without notice to or the consent of the student.
- B. Searches of students’ persons and/or students’ personal property may be conducted only upon reasonable suspicion that the search will uncover evidence that a student has violated a school rule or policy, or has violated the law, including possession of contraband. Searches will be conducted within the law, meet the requirements of the state and federal constitutions, and in the least invasive manner possible.
- C. If there is a clear and imminent danger to the health and safety of school individuals, or clear and imminent risk of danger to school property (such as a bomb scare), general searches of school property may be allowed under closely supervised conditions that respect individual rights.
- D. Copies of this policy will be distributed to students when they enroll in school, and will be included in the student handbook given to students and parents at the beginning of each school year. This policy is meant to explain the legal rights of the school district, but is not meant to limit them in any way.

**Reasonable Suspicion**

In determining whether “reasonable suspicion” exists, an administrator or faculty member shall consider all relevant information, including the following:

- A. The timeliness of the information that gives rise to the suspicion;

- B. Whether a plausible alternative explanation exists;
- C. Whether any other information exists that independently supports or detracts from the probable reliability of the new information; and
- D. If the information was provided by an informant:
  - 1. Whether the information was directly gathered by the informant, such as by visual observation or overheard conversation, or was indirectly provided by another person to the informant; and
  - 2. Whether the informant has been shown to be or should be considered a reliable source.

## **Definitions**

As used in this policy:

**“Contraband”** means weapons, drugs, and other illegal substances, or other objects which are evidence of a violation of state or federal law or school policy.

**“School property search”** means the search of desks, lockers, textbooks, technological and imaging devices, and other materials, equipment or supplies loaned by the school to a student, including use of personal devices which access school network resources as outlined in the G4 Responsible Computer, Network and Internet Use.

**“Possessions search”** means a search of the student’s pockets, bags, purses and other movable possessions performed by requiring a student to empty those items or allow review of contents of an item including but not limited to photos, texts or other electronic files and communications on an electronic device, an imaging device, or a computer.

**“Vehicle search”** means a search of a student’s vehicle.

**“Person search”** means a search of a student’s person and may require the student to loosen or remove outer clothing, consistent with item D under of Types of and Conditions for Searches below.

**“Student”** means a student of the member school district or of another school who is participating in school district activities or is otherwise on school property.

## **Persons Who May Perform Searches**

- A. Searches shall normally be conducted by trained school administrators. However, when an administrator is not reasonably available or cannot perform a search within a reasonable time, such as on a field trip, a designated member of the faculty may perform a search.
- B. Searches and seizures by law enforcement officials shall be as outlined in Policy F11:Searches, Seizures, and Interrogation of Students by Law Enforcement Personnel or Other Non-School Personnel.

## **Types of and Conditions for Searches**

The extent of each search shall be directly related to the basis of the search.



- A. School administrators may inspect and search school property including but not limited to lockers and/or other school property and network resources accessed by or assigned to the student or used by the student without reasonable suspicion and without notice to or the consent of the student
- B. Search of a student's possessions shall normally be conducted by requiring the student to empty his/her pockets, bag(s), purse(s), and other movable possessions or to allow review of items including but not limited to photos, texts, or other files or communications stored in or on technological devices, provided that there is reasonable suspicion to believe that the contraband is located in the place searched. The person conducting the search may pat down or otherwise search the student's clothing, may personally examine the purse, bag, backpack or technological device to ensure that all items have been removed or shown and may search the items removed from the purse, bag, or backpack as necessary and appropriate. A search of a student's possessions shall be witnessed by a second person who is an administrator or by a member of the faculty or staff when on a trip.
- C. A vehicle search shall be made only when there is reasonable suspicion to believe that contraband is located in the vehicle; and the vehicle is either on school grounds or the vehicle is being used to transport students to or from a school sponsored event. A vehicle search shall be witnessed by a second person who is an administrator or by a member of the faculty or staff when on a trip. A vehicle search shall normally be conducted by examination of the unlocked spaces of a vehicle. A student may be required to open locked spaces in a vehicle to permit examination of the contents therein upon reasonable suspicion to believe contraband is present within the locked space. If a student refuses to open a locked space, the vehicle may be detained on school grounds until police can be summoned and a warrant obtained.
- D. In circumstances where there is reasonable suspicion to support the search of a student's person, the superintendent or his or her designee may consult with legal counsel when considering whether or how to conduct a search of a student's person. Strip searches by school personnel are prohibited.
  - 1. In circumstances where there is reasonable suspicion to support the search of a student's person, and the search does not require the student to partially remove outer layers of clothing, the search of a student's person shall be:
    - i. Conducted by a person of the same gender as the student, and
    - ii. Witnessed by a third person who is an adult of the same gender as the student, and
    - iii. To the degree that circumstances allow, conducted in a manner that maximizes the student's interest in modesty and privacy.
  - 2. In circumstances where there is reasonable suspicion to support the search of a student's person, and such search would require the student to undress, the school district shall consult with legal counsel on how to proceed. If there is reasonable belief that there is a possibility of imminent harm to the student or the school community, law enforcement shall be called.

### **Actions Following Search**

- A. Any suspected contraband found during a search shall be confiscated. Any suspected illegal substances or other items evidencing a crime found shall be turned over to law enforcement officials.

- B. The principal or designee shall notify the student's parent(s) or guardian(s) that a search has been conducted and that evidence has been provided to the police.

### **Questioning of Students**

School district employees may detain students to question them where they have reasonable grounds to suspect that it will assist them in gathering evidence or information regarding possible violations of board policy or school behavior expectations. The Administration may act on information related to violations of school rules received from outside law enforcement personnel. School officials are not required to notify parents of questioning of students. A School Resource Officer (SRO) is not considered a school district employee for the purpose of interrogations; therefore, students may decline at any time to be interviewed by the School Resource Officer. A student may decline to be interviewed by outside law enforcement personnel.

#### *Legal Reference(s):*

*New Jersey v. T.L.O.*, 469 U.S. 325, 105 S. Ct. 733 (1985)  
*Vernonia School District v. Acton*, 515 U.S. 646, 115 S. Ct. 2386 (1995)  
*Board of Education v. Earls*, 122 S. Ct. 2559 (2002)  
*Doe v. Little Rock School District*, 380 F.3d 349 (8th Cir. 2004)  
*Phaneuf v. Fraikin*, No. 04-4783 (2d Cir. May 19, 2006)  
*Wofford v. Evans*, 390 F.3d 318 (4th Cir. 2004)  
*Shuman v. Penn Manor School Dist.*, 422 F.3d 141 (3d Cir. 2005)  
*In re Randy G.*, 110 Cal. Rptr. 2d 516 (Cal. 2001)  
*Mislin v. City of Tonawanda Sch. Dist.*, 2007 WL 952048, \*10 (W.D.N.Y. 2007)  
*Bisignano v. Harrison Cent. Sch. Dist.*, 113 F. Supp. 2d 591, 596-97 (S.D.N.Y. 2000).

#### *Cross References:*

*Searches, Seizure, and Interrogation of Students by Law Enforcement Personnel or Other Non-School Personnel (F5)*  
*Student Conduct and Discipline (F1)*  
*Substance Use (F9)*