

**BARRE UNIFIED UNION SCHOOL DISTRICT #097
POLICY****Code: C 42**

1st Reading: 5/9/2019

2nd Reading; 6/13/2019

Adopted:

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

It is the policy of the Barre Unified Union School District (B.U.U.S.D.) 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.

¹ 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.

² *Wofford v. Evans*, 390 F.3d 318 (4th 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).0

Cross References: Search Seizure and Interrogation of Students by School Personnel (C 21)

Student Conduct and Discipline (C 20)