

Milton Town School District

Policy/Procedure

F4: SEARCHES, SEIZURES, AND INTERROGATIONS OF STUDENT BY LAW ENFORCEMENT PERSONNEL OR OTHER NON-SCHOOL PERSONNEL

The Milton Town School District will work with law enforcement officers and other non-school personnel as necessary to provide a safe school environment and a safe community.

The policy of the Milton Town School District is to be cooperative with law enforcement agencies regarding the investigation of a crime to the greatest extent possible. However, specific safeguards related to the individual rights of students and parents must be protected.

School employees are not an agent of a public law enforcement agency or official. Search, seizure and interrogation by public law enforcement officials may only occur when a warrant or other legal basis exists authorizing such an action.

The superintendent will develop specific procedure to provide direction to school personnel and others as they implement the adopted policies of the district.

PROCEDURE

To carry out the responsibility, the school personnel should observe the following:

1. A student in school may not be interrogated by any authority without the knowledge of the school administrator, and knowledge and permission of a parent/guardian, unless the interrogation is part of a child abuse investigation conducted by the Department of Children and Families in accordance with Chapter 49 of Title 33 of the Vermont Statutes Annotated or concerns possible criminal activity by the parent or guardian.
2. Any interrogation must be done in private with the principal or his or her designee present.
3. A student may not be released to the custody of persons other than a parent or legal guardian, unless placed under arrest or taken into custody by legal authority.
4. If a law enforcement officer presents a warrant for the arrest of a student or a subpoena for the student's appearance, school officials shall cooperate in locating the student within the school. Before releasing a student to law enforcement authorities under these circumstances, school officials shall ask for proper identification and require the officer to sign a form indicating the reason for removing the student from school.
5. If a student is removed from the school by legal authority, parents should be notified of this action by school official as soon as possible.
6. No questioning of a student under the age of eighteen who may be accused of an offense shall occur unless the parent(s) or guardian(s) have been notified and have been given the opportunity to be present at the time of the questioning. Questioning may, however, take

place without notification of parents if such questioning is required due to an emergency or urgent potential danger to life, or property, as determined by the principal or superintendent, and reasonable efforts to notify the student's parents proved unsuccessful.

Date Warned: 8/24/2009
Date Adopted: 9/14/2009
Legal Reference(s):
Cross Reference: