

PROCEDURE WSD503

WINOOSKI SCHOOL DISTRICT

INTERROGATION OR SEARCHES OF STUDENTS BY LAW ENFORCEMENT PERSONNEL OR OTHER NON-SCHOOL PERSONNEL

1. School employees are not an agent of any law enforcement organization. However, there are times when cooperation between the school administrators and law enforcement officials is required and/or beneficial for the running of the school and the administration of justice.
2. Whenever the purpose or intent of a law enforcement officer (including the school resource officer) in interrogating a student and/or carrying out a search and seizure of a student's property on school premises is to investigate the student's possible involvement in the violation of a criminal law, as opposed to enforcing/investigating the violation of a school rule, law enforcement officer(s) must follow the laws and rules applicable to proper criminal procedure.
3. School officials may request law enforcement officers to assist them in dealing with an emergency potentially affecting the safety of the school population, and may give law enforcement officers permission to interview students as necessary and to search and seize student property. No advance notification of parent(s) or guardian(s) or search warrant is required in this circumstance.
4. Non-School Personnel and law enforcement officers may question students under the age of eighteen (18) without notification of parent(s) or guardian(s), if such questioning is: 1) part of a child abuse or neglect investigation conducted by the Department of Children and Families in accordance with Chapter 49, Title 33 of Vermont Statutes Annotated; or 2) concerns possible criminal activity by the student's parent(s) or guardian(s). In the event questioning of a student occurs pursuant to either of the above matters, the student's parent(s) or guardian(s) shall not be notified by school officials that such interview has occurred.
5. If school officials have not requested the assistance of law enforcement officers, there is no emergency situation potentially effecting the safety of the school population, the questioning is not part of a child abuse or neglect investigation or concerns of possible parental/guardian criminal activity, then no questioning of a student under eighteen (18) years of age shall occur without the knowledge of the school principal (or his or her designee) and the knowledge and permission of the student's parent or guardian who will have been given the opportunity to be present at the time of questioning.
6. If presented with a warrant, subpoena or court order legally authorizing law enforcement official(s) to conduct certain activity involving a student on school premises, school officials must comply with the warrant, subpoena or court order and the law enforcement officer's reasonable requests.
7. Any interrogation of a student under the age of eighteen (18) by non-school personnel on school premises must be conducted in private with the principal or his or her designee present.
8. If a student is removed from the school by a law enforcement officer pursuant to legal authority (i.e. warrant, subpoena or other court order), the student's parent(s) or guardian(s) shall be notified of this action by school officials as soon as possible. Before releasing a student to law enforcement authorities, school officials shall ask for proper identification of the law enforcement officer and require the officer to sign a document stating the student's name, the officer's name, the date, time of removal and the reason for the removal of the student from school. The school should make a copy of the warrant, subpoena or court order for its file.

**PROCEDURE WSD503 - INTERROGATION OR SEARCHES OF STUDENTS BY LAW ENFORCEMENT
PERSONNEL OR OTHER NON-SCHOOL PERSONNEL**

Page 2

9. If a law enforcement officer requests permission to search or seize school property without a warrant, the principal or his designee has authority to decide whether or not to grant permission for the search. School property includes materials provided by the school to students including, but not limited to, student lockers, desks, textbooks and data stored on school computers.

Reviewed and Updated: August 15, 2012