

# Addison Northwest Supervisory Union Policy

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**SECTION: STUDENTS**

**CODE: F4**

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

The school boards of the Addison Northwest Supervisory Union 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 officials may invite law enforcement officers to assist them in an emergency. Law enforcement officers must have a warrant or court order authorizing them to conduct certain activity on school property; otherwise, school officials may ask them to leave.

School officials who assist law enforcement officers (including school resource officers) in a search, seizure, or interrogation whose primary purpose is to enforce a criminal law, as opposed to enforcing a school rule, must follow the laws applicable to law enforcement.<sup>1</sup>

If a law enforcement official wishes to search or seize school or student property, or interrogate a student, school officials have discretion to give 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 officials must comply with the warrant and the officer's requests.
- **School property**  
If a law enforcement officer who does not present a warrant requests permission to search or seize school property, the principal or his/her designee has authority to decide whether to give 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 officials to search or seize student property if school officials 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 official shall allow the officer to ask the student for permission to conduct the search.

- **Interrogation**  
School officials may request the assistance of law enforcement officers to deal with an emergency potentially affecting the safety of the school population, and may give law

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enforcement officers permission to interview students as necessary. No advance notification of parents or guardians is required in this circumstance.<sup>2</sup> 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 officials 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 Social and Rehabilitation Services in accordance with Chapter 49 of Title 33 of the Vermont Statutes Annotated or (2) concerns possible criminal activity by the parent or guardian.

In circumstances where (a) school officials have not requested the assistance of law enforcement officers, (b) there is no emergency potentially affecting the safety of the school population, or (c) the questioning is not part of a child abuse or neglect investigation or an investigation of possible criminal activity by the parent or guardian, no questioning by non-school personnel of a student under the age of eighteen shall occur without the knowledge of the school administrator and the knowledge and permission of a parent or guardian who will have been given the opportunity to be present at the time of the questioning.

- **Arrest**

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 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 officials as soon as possible.

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<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).

*Date Revised/Adopted:* June, 2008

*Legal Reference(s):* 33 V.S.A. §4915 (*Child welfare services*)

*J. Rapp, EDUCATION LAW (Lexis 2006)*

*W. LaFave, SEARCH AND SEIZURE (2006)*

*Cross Reference:* *Search and Seizure (F3)*