

Students

Police in Schools

Questioning and Apprehension

When a student becomes involved with law enforcement officers, the officer is to be requested to confer with the student at a time when the student is not under the jurisdiction of the school, if this can be arranged. The following steps shall be taken to cooperate with the authorities:

1. The officer shall properly identify himself/herself.
2. Parents are notified immediately, if possible. The Principal should make every effort to inform parents or guardians of the interest of the police authorities.
3. The student's parent or guardian, unless the right is waived by the parent or guardian, must be present if the conference is held in the school. If no parent or guardian is present, the Principal or the Principal's designee must be present.

Police Officer's Rights with Regard to Students

Attorneys generally agree on the following interpretations to three key questions:

1. Have police officers the right to question students within the school?

Police officers have no absolute right to enter school premises and demand to interrogate any student. However, a spirit of cooperation should be extended to any bona fide police or law enforcement official who comes to a school seeking to interrogate students.

2. Have police officers the right to take students from school?

Police officers have no right to remove a student from the school for purposes of interrogation, and this should not be allowed in the absence of the specific consent of parent or guardian.

However, police officers, counselors of the juvenile court, or other authorized law enforcement officials have an absolute right to enter the school to take a student into custody or to make a lawful arrest of a student. However, the officer should be made to display either an order signed by a judge or the juvenile court authorizing him/her to take the student into custody, or to display a warrant for the student's arrest.

The officer need not display a warrant if the officer observed the student commit a violation of law. The officer's oral statement to this effect shall be sufficient. (A witness to this statement is desirable).

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Police Officer's Rights with Regard to Students (continued)

If the student is arrested or taken into custody at a school, the school officials shall take immediate steps to notify the parent, guardian or responsible relative of the minor regarding the release of the minor to such officer, and regarding the place to which the minor is reportedly being taken.

3. Have the police officers the right to serve a subpoena?

While police officers have the legal right to serve a subpoena at school, the school system believes that the serving officials should be strongly urged to serve these subpoenas at the home of the student whenever possible. The subpoena may be served only in the school office in the presence of the school Principal or designee.

In all of these situations, every possible step should be taken to insure a minimum of embarrassment or loss of class time for the student.

The Office of the Superintendent should be notified immediately when any of the above actions have occurred.

Police Officer's Rights with Regard to Confidential Student Information

Notwithstanding the foregoing, police officers are not entitled to educational records or personally identifiable student information without the prior consent of the parent or guardian or the prior consent of the student if the student is eighteen or older or is an emancipated minor, unless the circumstances are such that they do not require prior consent under the Family Educational Rights and Privacy Act. The school district shall be free to share directory information without prior consent unless the parent or guardian, or a student who is eighteen or older or is an emancipated minor, has previously provided notice to the school district that they do not consent to the release of such directory information.

(cf. 1411 - Relations with Law Enforcement Agencies)

Legal Reference: Family Educational Rights and Privacy Act, 20 U.S.C. §1232g

34 Code of Federal Regulations 99.1, *et seq.*

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NEW MILFORD PUBLIC SCHOOLS

New Milford, Connecticut