

In-School Contact of Students by Law Officials

Police officers may seek to question a student in the school, or a law official seeks to serve a subpoena in school. The rights of the student shall be preserved and the primacy of parental authority shall be maintained. The law official will be apprised of the obligation of the school to the child and his family, and the custodial status of the school will be explained.

I. Coordination of Police and School Efforts

Serving of subpoenas in a school:

Should a law official wish to serve a subpoena in the school, the principal of the building will instruct the official to execute such service through the student's parents, not within the school.

In situations where the principal is summoned or served with a subpoena to bring a student to the court, or to bring the student to a court at a future date, the law official serving the subpoena should be informed that the school has only a custodial arrangement with the student and that, without parental permission, cannot honor the summons. The school attorney will be contacted immediately to inform him of the circumstances.

The principal will make every effort to contact the parent in the aforementioned cases. The parent may wish to come to school and acknowledge the subpoena. Should the parent wish not to become involved at school, the principal should indicate that the court has the power to subpoena the address of the student, so that the subpoena may be executed at the student's home.

Cooperative relationships with the courts and agencies should be maintained. The position of the school as a custodial arrangement should be explained and that the administrator has no authority to remove a youngster from instruction or to have him testify without the permission of the parent or guardian.

II. Peace Officer with a Warrant for Student's Arrest

New York State Penal Law Sec. 168 requires citizens to assist Peace Officers in the execution of a warrant. Therefore, a Peace Officer with a warrant who directs a Principal to give the student to a Peace Officer should be obeyed. The school, as a custodial agency in a *locos parentis* relationship, should check the warrant and advise the parents or guardians, immediately, informing them of the child being taken on a warrant and, whenever possible, making provision for parents to be present. The name, number and agency of the officer should be recorded.

III. Police Questioning

Police will normally be allowed to interview students on school property only after parents have been consulted and parental permission has been obtained.

In emergency situations: or in extreme cases (where warrants have been issued, e.g.), policy may be permitted to interview pupils as authorized by law.

In an instance where a crime takes place on school property, the police will be permitted to conduct investigations which may involve interviews of students.

No child is to be questioned in the school by the police unless the principal or someone appointed by him is present. In addition, the principal must make an effort to notify the child's parent or guardian. If the parent or guardian is not available, an additional member of the staff is to be present

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