

RELATIONS WITH LAW ENFORCEMENT AGENCIES

A cooperative effort shall be maintained between the officials of the school district and law enforcement agencies. It is paramount that the rights of the school, the home, the civil authorities, and of the individual be clearly understood and protected.

This policy shall be subject to and include the following statement of the Counsel for the State Education Department: "Under the provisions of the Compulsory Attendance Law it is held that children are given over to the custody of the school authorities for one purpose only and that is education in all its phases, and that under the terms of that statute, Boards of Education do not have the legal right to impose obligations or even make available to children, irrespective of their value, facilities which the Board is not specifically authorized so to do. As an illustration, it is held that the police authorities have no power to interview children in the school building or to use the school facilities in connection with police department work, as the Board has no right to make children available for such purpose. The police authorities must take the matter up directly with the parents. Of course, if a warrant were issued for the arrest of a child or in a case where a police officer is authorized to make an arrest without a warrant, the situation would be different. If a crime were to take place on school property, however, the police authorities must investigate, including interviewing students as possible witnesses, etc., on the school premises."

Ref: NYS Education Department, Opinion of Counsel No. 148, 4 EDR 229 (1965)
NYS Education Department, Opinion of Counsel No. 91, 1 EDR 800 (1959)