

Office of Superintendent of Schools
Board Meeting of June 19, 2002

June 7, 2002

Office of School Board Attorney
Johnny Brown, School Board Attorney

**SUBJECT: PROPOSED AMENDMENT OF SCHOOL BOARD RULE: FINAL READING
6Gx13- 1E-1.021, COOPERATION WITH LAW ENFORCEMENT
AGENCIES—SPECIFIC PROCEDURES**

The School Board of Miami-Dade County, Florida, announced on May 15, 2002 its intention to amend School Board Rule 6Gx13- 1E-1.021, Cooperation with Law Enforcement Agencies—Specific Procedures, at the meeting of June 19, 2002.

The Notice of Intended Action was published in the *Miami Daily Business Review* on May 20, 2002, posted in various places for public information and mailed to various organizations representing persons affected by the amended rule and to individuals requesting notification.

The time to request a hearing or protest the adoption of this rule has elapsed.

In accordance with the provisions of the Administrative Procedure Act, this amended rule is presented to The School Board of Miami-Dade County, Florida, for adoption and authorization to file the rule in the official records of The School Board of Miami-Dade County, Florida.

Attached are the Notice of Intended Action and the amended rule. Changes from the current rule are indicated by underscoring words to be added and ~~striking through~~ words to be deleted.

RECOMMENDED: That The School Board of Miami-Dade County, Florida, adopt amended School Board Rule 6Gx13- 1E-1.021, Cooperation with Law Enforcement Agencies—Specific Procedures, and authorize the Superintendent to file the rule with The School Board of Miami-Dade County, Florida, to be effective June 19, 2002.

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NOTICE OF INTENDED ACTION

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA, announced on May 15, 2002, its intention to amend Board Rule 6Gx13- 1E-1.021, Cooperation with Law Enforcement Agencies–Specific Procedures, at its meeting of June 19, 2002.

PURPOSE AND EFFECT: The revision to the Board Rule will provide specific procedures for law enforcement officers and/or authorized agencies upon conferring with a student during school hours.

SUMMARY: The rule as amended will provide for procedures, as it relates to students, by which the principal or his/her designee cooperates with law enforcement officers and/or authorized agencies during school hours.

SPECIFIC LEGAL AUTHORITY UNDER WHICH RULEMAKING IS AUTHORIZED: 230.22(2); 230.23(22) F.S.

LAW IMPLEMENTED, INTERPRETED, OR MADE SPECIFIC: 39.401; 230.23(13); 230.23005(5)(6); 230.33(14); 901.15(3) F.S.

IF REQUESTED, A HEARING WILL BE HELD DURING THE BOARD MEETING OF June 19, 2002, which begins at 1:00 p.m., in the School Board Auditorium, 1450 N.E. Second Avenue, Miami, Florida 33132. Persons requesting such a hearing or who wish to provide information regarding the statement of estimated regulatory costs, or to provide a proposal for a lower cost regulatory alternative as provided by Section 120.541(1), F.S., must do so in writing by June 11, 2002, to the Superintendent of Schools, Room 912, at the same address.

ANY PERSON WHO DECIDES TO APPEAL THE DECISION made by The School Board of Miami-Dade County, Florida, with respect to this action will need to ensure the preparation of a verbatim record of the proceedings, including the testimony and evidence upon which the appeal is to be based. (Section 286.0105, Florida Statutes)

A COPY OF THE PROPOSED AMENDED RULE is available for inspection and copying at cost by the public in the Citizen Information Center, Room 158, 1450 N.E. Second Avenue, Miami, Florida 33132.

Originator: Ms. Patricia D. Bass
Supervisor: Mr. Johnny Brown
Date: May 2, 2002

Relations between other Governmental Agencies and Schools**COOPERATION WITH LAW ENFORCEMENT OFFICERS/AUTHORIZED AGENCIES--SPECIFIC PROCEDURES****I. Officers Involvement with Students**

When students become involved with law enforcement officers, the officers, ~~unless Miami-Dade Schools Police,~~ is to should 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.~~ However, when this is impractical, a law enforcement the officer may confer with a student during school hours provided the following conditions are met:

- A. ~~The officer properly identifies himself/herself~~ must show appropriate identification (including Miami-Dade Schools Police Department officers when not in uniform).
- B. ~~Permission from a school official is~~ must be given by the principal or designee.
- C. Every effort should be made by the principal or designee to contact the parent/guardian or person on the emergency contact card and give him/her the opportunity to be present during the interview.
- ~~E~~ D. Student(s) are removed from the classroom by school personnel only. Guard against other pupils knowing about the matter.
- ~~D~~ E. ~~A member of the school staff must be present during the interrogation~~ The discussion must be conducted in private with the principal or designee present.
- F. The student shall be afforded the same rights as when he/she is outside the school, including the right to be informed of legal rights, the right to protection from coercion and constraint, and the right to remain silent.

II. Police Officer's Rights with Regard to Students

The School Board Attorneys offer the following interpretations to three key questions:

- A. Right to Interrogate Students within the School

Police officers have no absolute right to enter the 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.

Students should be questioned only in a private room or office, and a representative of the school should be with the principal or designee present. Whenever possible, a student should not be taken from a regular academic class. Every effort should be made by the principal or designee to contact the parent/guardian or person on the emergency contact card and give him/her the opportunity to be present during the interview. Care should be taken to prevent other students from being aware of the interrogation.

B. Right to take a Student from the 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 or person on the emergency contact card.

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. The officer should be made to display either an order signed by a judge of the Juvenile Court authorizing the officer to take the student into custody or to display a warrant for the student's arrest. The officer or counselor need not display an order or warrant if the officer or counselor shall have reason to believe that the child committed a violation of law. The officer's or counselor's oral statement to this effect shall be sufficient. ~~(It is suggested that a witness to this statement is desirable.)~~ (A staff member must be a witness to this statement.)

If a student is arrested or taken into custody at a school, the school should make every effort to notify the parents immediately:

C. Right to Serve a Subpoena

Police officers have an absolute right to enter schools and serve subpoenas.

While police officers have the legal right to serve a subpoena at school, serving officials should be strongly urged to serve these subpoenas at the home of the student whenever possible.

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. Police or other law enforcement officials should be encouraged to contact students during hours when school is not in session and off the school grounds.

Further questions regarding this information should be directed to the Director, Department of Attendance Services.

Specific Authority: 230.22(2); 230.23(22) F.S.

Law Implemented, Interpreted, or Made Specific: 39.401; 230.23(~~12~~) (13); 230.23005(5)(6); 230.33(14); 901.15(3) F.S.

History

THE SCHOOL BOARD OF MIAMI-DADE COUNTY, FLORIDA
Repromulgated: 12-11-74