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## STUDENT SEARCHES AND INTERROGATIONS

### *Searches*

The Board of Education recognizes that students retain some legitimate expectations of privacy within the school. Against a student's privacy expectations must be set the substantial interests of the teachers and administrators in maintaining discipline in school, on school grounds, at school events and activities, and safeguarding the safety and well-being of the students in their care. The Board directs that no student be searched by school officials unless reasonable suspicion exists that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school.

The reasonableness of the search will depend upon: the student's age; the student's history and record in school; the prevalence and seriousness of the problem to which the search is directed; the urgency requiring an immediate search; and the probative value and reliability of information used as justification for the search.

The request for a search of a student or a student's possessions will be directed to the Building Principal who shall attempt to obtain an admission from the student of possession of the illegal matter or voluntary consent to the search.

Whenever practicable, the search should be conducted in the presence of the student in the privacy of the Principal's office, with at least two staff members present. The search shall be limited to the extent necessary to locate the illegal matter. Involuntary personal searches of students shall only be conducted by the police unless a serious and immediate danger exists to those in our schools and probable cause exists for an administrative search. No strip searches may be conducted without the prior authorization of the school attorney.

The Principal shall be responsible for the prompt recording in writing of each student search, including the name, age and grade of the student searched; the reason(s) for the search; information received that established the need for the search and the name of the informant (school district employees will be considered reliable; informants other than school district employees will be considered reliable if they have previously supplied information which was accurate and verified); the purpose of the search (what item[s] were being sought); type and scope of the search; the persons present when the search was conducted, including name and title of the person who conducted the search and any witnesses, if any, to the search; time and location of the search; results of the search (what substances or objects were found); the disposition of the item(s) found and the matter; and the time, manner and results of parent notification.

The Principal shall be responsible for the custody, control, and disposition of any illegal or dangerous matter taken from a student. The Principal or designee shall clearly label each item taken from the student and retain control of the item(s) until the item(s) is turned over to the police. The Principal or

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designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

A search based upon the reasonable belief that the health and safety of others is immediately threatened may be conducted with as much speed as is required to protect persons and property.

### ***Student Lockers, Desks and other Storage Places***

Desks, school lockers, storage spaces, and computers are the property of the School District over which school officials retain complete control and, therefore, students have no reasonable expectation of privacy in such locations. This means that student lockers, desks and other storage spaces may be subject to search at any time by school officials, without prior notice to students and without their consent. Students shall be informed by the administration that desks, lockers, storage spaces and computers are not their private property, but are the property of the School District and, as such, may be opened and subject to inspection at any time by school officials. Further, the School District may invite the police with K-9 units for the purpose of detecting the presence of illegal drugs and/or other illegal substances in such spaces.

No police officer shall perform a student search unless authorized by a search warrant or court order or upon demonstrating probable cause to establish that the commission of an illegal act is occurring on school premises or at a school event (hot pursuit doctrine).

When authorized to search a student by a warrant, the Principal shall first attempt to inform the student's parent/guardian of the police demand to search the student in order to afford the parent/guardian an opportunity to be present at the search. In the event that the parent/guardian cannot be contacted prior to a police search, the search shall not be conducted unless the student is 16 years of age or older. In addition, the parent or guardian shall be informed of the search in writing by the Principal immediately thereafter.

### ***Cell Phones***

**Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the District Code of Conduct. They are also permitted to look at the screen of the cell phone and can request the student's cooperation to search the cell phone further. Without a student's permission, teachers and administrators should not undertake a more extensive search until conferring with the Superintendent or school attorney for guidance.**

### ***Police Questioning/Interrogations***

It is the policy of the District to cooperate with law enforcement agencies. While police do not have general powers to interview children in school or to use school facilities in connection with police department work, the police may enter the schools of the School District or a school event, if a crime has been committed on school property or at a school event or if they have a warrant for arrest or

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Students

search. The police may not remove a student from school for questioning without parental permission, regardless of the child's age.

When the police have properly entered the school and desire to interview students in the school, the students must be afforded the same rights they have outside the school. They must be informed of their legal rights, for example, to remain silent if they so desire, to request the presence of an attorney and to be protected from coercion and illegal restraint (*Miranda* rights). In general, the police may not interrogate students in school without parental permission. When the police are present for an interview or investigation, school officials must make every reasonable effort to notify the student's parent/guardian, and if the parent/guardian cannot be contacted, the police may not question the student unless he or she is 16 years of age or older, unless the police indicate that such interview concerns a student's parent(s) or other household member and it is pursuant to a report regarding suspected child abuse, maltreatment or neglect.

### ***Privilege Activities***

While reasonable suspicion is generally required to conduct searches of students and their property for illegally possessed items, for privilege activities, such as the prom, students, their guests (if applicable) and any possessions (including vehicles) brought to the event location shall be subject to search by school officials for illegal substances, including alcohol and drugs. If any illegally possessed item is found as a result of the search, the student (and his/her guest if applicable) will be removed from the prom or other activity, the parents/guardian will be contacted and the student (and his/her guest if applicable) will be sent home with a parent/guardian. The student will also be prohibited from participation in graduation exercises and may be subject to other disciplinary action in accordance with the Code of Conduct.

Students and their parents/guardians will be informed, in writing, of the special rules that apply to privilege activities.

### ***Miscellaneous***

The Superintendent of Schools shall establish regulations regarding personal searches and interrogations of students, with due regard for the need for parental knowledge and involvement, in accordance with law and this policy.

Ref: *Opinion of Counsel*, 1 EDR 800 (1959)

Adopted: 3/13/13

Revised/Adopted: 6/24/15