

CODE OF CONDUCT SEARCHES AND INTERROGATIONS

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe, supportive and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student, including District Campus Patrol Security officers, may question a student about an alleged violation of law or the District Code of Conduct. School officials questioning students shall advise each student why he or she is being questioned. However, parents and students should be aware that school officials are under no obligation to contact a student's parent prior to questioning the student nor are the students entitled to be advised of their legal rights, i.e. "Miranda"-type warning, before being questioned by school officials as such rights only apply to situations where an individual is being questioned while in the custody of police.

In addition, in recognition of certain societal problems which present themselves from time to time in our schools, the Board of Education authorizes the Superintendent of Schools or his/her designee (Building Principal, Assistant Principals, school nurse and security staff) to conduct searches of students and their possessions if the authorized school official has reasonable suspicion to believe that the search will result in evidence that the student violated the law or the District Code of Conduct. The results of all searches for drugs, illegal substances or dangerous objects shall be documented, regardless of whether the search discloses any drugs or illegal substances.

In authorizing such searches, the Board acknowledges both state and federal constitutional rights which are applicable to personal searches of students and searches of their possessions (i.e., pocket contents, bookbags, handbags, etc.). Such searches shall not be conducted unless founded upon reasonable suspicion. Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that he or she possesses physical evidence that they violated the law or the District Code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought.

Whenever practicable, the search shall be conducted in the privacy of administrative offices, with two staff members present, one of each gender. The student should be present when his/her possessions are being searched.

Students Lockers, Desks and other School Storage Places

Students have no reasonable expectation of privacy with respect to student lockers, desks and other school storage places and school officials retain complete control over them. This means that student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

Clothing Searches

A strip search is a search that requires a student to remove any or all of his/her clothing other than an outer coat or jacket.

Strip searches are intrusive in nature and are not permissible. If school authorities believe there is an emergency situation that could threaten the health or safety of others, the student under reasonable suspicion of having engaged or engaging in unlawful or otherwise proscribed activity shall, to the extent practicable, be isolated and secured. Police and parents will be contacted immediately.

Exigent Circumstances

In the event that there is reasonable suspicion that a student is engaging in conduct or is in possession of contraband (eg: a weapon) which creates an imminent threat of death or serious physical injury to the student, other students or staff, and is thereby creating exigent circumstances which require more immediate intervention to avoid such death or serious physical injury, reasonable steps commensurate with the degree of the threat may be taken.

Custody, Control and Disposition

The Building Principal or his/her designee shall be responsible for the prompt recording in writing of each student search. Such writing should include the reasons for the search, information received that established the need for the search and the name of the informant(s) from whom the information was received. The written record of the student's search shall also contain the names of those persons who were present when the search was conducted, any substance or objects discovered, and the disposition of such matter.

The Building Principal or his/her designee shall be responsible for the custody, control and disposition of any illegal or dangerous matter taken from a student. He or she will remain in control of such substance or objects unless the same are delivered to police authorities.

Police Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrant; or
2. Probable cause to believe a crime has been committed on school property or at a school function.

When 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, have the right to remain silent if they so desire, have the right to request the presence of an attorney, parent/guardian, and must be protected from coercion and illegal restraint. Within the framework of their legal rights, students have the responsibility to cooperate with the police.

Before police officials are permitted to question any student, the building principal or his or her designee shall first try to notify the student's parent to give the parent the opportunity to be present during the police questioning. If the student's parent cannot be contacted prior to the police questioning, the questioning shall not be conducted. The principal or designee will also be present during any police questioning of a student on school property or at a school function.

Child Protective Services Investigations

The District will provide access to records relevant to the investigation of suspected abuse and maltreatment and/or access to any child named as a victim in a report of suspected abuse and maltreatment or such child's sibling residing in the same home, in accordance with applicable law and regulations. All requests by child protective services to interview a student on school property shall be made directly to building principal or his or her designee. If appropriate, the principal or his or her designee shall set the time and place of the interview.

Ref: Social Services Law §425
18 NYCRR §432.3

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