

SEARCHES AND INTERROGATIONS

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 to conduct searches of pupils and their possessions for illegal matter or matters which otherwise constitutes a threat to the health, safety, welfare or morals of pupils attending our schools.

In authorizing such searches, the Board acknowledges both state and federal constitutional rights, which are applicable to personal searches of pupils and searches of their possessions (i.e., pocket contents, bookbags, handbags, etc.). Such searches shall not be conducted unless founded upon reasonable suspicion.

Pupils shall be informed by the administration that school lockers are not their private property but the property of the school district and that as such may be opened and subject to inspection from time to time by school officials.

Realizing the intrusive nature of any search, which requires a pupil to remove any and/or all clothing, the Board authorizes such searches to be conducted only upon the existence of probable cause as determined following a review of the facts by the School Attorney or the Superintendent in the absence of the School Attorney. However, searches of outer coats or jackets are permitted when founded upon reasonable suspicion.

The Superintendent shall establish regulations regarding personal searches of students in accordance with this policy and the law. Interrogations of students by Child Protective Services are also subject to administrative regulations.

Whenever possible, police authorities that are conducting investigations shall deal directly with parents or guardians of students. When investigations involve the school, the district staff is to cooperate with the police and make every effort to contact parents prior to the investigation in order that the parents may be represented, if they so desire.

The policy regarding police investigations shall not apply to the designated NCCS School Resource Officer, except when such School Resource Officer is conducting an investigation.

Cross-ref: 5312.1, Drug and Alcohol Abuse

Ref: *People v. Overton*, 24 N.Y. 2d 22

People v. Scott D., 23 N.Y. 2d 483

People V. Ronald B., 61 A.D. 2d 204

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Approved by BOE 2/10/03