

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 matter which otherwise constitutes a threat to the health, safety, or welfare 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, lockers may be opened and subject to inspection from time to time by school officials.

Realizing the intrusive nature of a search which requires a pupil to remove any and/or all clothing with the exception of outer coats and jackets, 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 district attorney or the Superintendent in the absence of the school attorney.

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.

When possible, police authorities shall deal directly with parents or guardians of students. When investigations involve the school, District staff are 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.

Reference: 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

STUDENT SEARCHES AND INTERROGATIONS REGULATION

1. Pursuant to Board of Education policy, pupils may be subject to personal searches and searches of their possessions where reasonable suspicion exists to conduct such search.
2. Searches may be conducted by the Principal or an Associate Principal in the presence of at least one (1) other adult.
3. A search based upon the reasonable belief that the health or safety of those in our schools is seriously and immediately threatened may be conducted with as much speed as is required to protect persons and property.
4. Reasonable suspicion to conduct a search shall be based upon the pupil's age, the pupil's history and record in school, the prevalence and seriousness of the problem to which the search is directed, the urgency necessitating an immediate search and the probative value and reliability of information used as justification for the search.
5. The request for a search of a pupil or pupil's possessions shall be directed to the Principal, who shall attempt to obtain an admission from the pupil of the possession of the illegal matter or a voluntary consent to the search. The search shall be limited to the extent necessary to locate the illegal matter.
6. Whenever practicable, the search should be conducted in the privacy of administrative offices and the student should be present when the student's possessions are being searched.
7. No search which requires a pupil to remove any and/or all clothing, with the exception of outer coats and jackets, may be conducted unless probable cause exists and the same has been authorized in advance by the school attorney or the Principal in the absence of the school attorney. Such searches shall be conducted by an administrator or nurse of the same gender as the pupil in the presence of another school district professional employee who is also of the same gender.
8. The Principal or Associate Principal shall be responsible for the prompt recording in writing of each pupil 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. Informants other than the school district employees will be considered reliable if they have previously supplied information which was accurate and verified, if they make an admission against their own penal interest or if the same information is received independently from several informants. The written record of the pupil'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.
9. The Principal shall be responsible for the custody, control, and disposition of any illegal or dangerous matter taken from a pupil. The Principal will remain in control of such substance or objects unless the same are delivered to police authorities whereupon it shall be the responsibility of the Principal to personally deliver such matter to police authorities.

10. Under law, pupils have no reasonable expectation of privacy rights in school lockers, desks, or other storage places with respect to the school authorities. The Administration shall give notice to all pupils that lockers, desks and other school storage places may be subject to inspection at any time by school officials.
11. No police officer shall be allowed to perform a pupil search unless authorized by a search warrant or upon demonstrating probable cause to establish that the commission of an illegal act is occurring on school premises. In the case of a police officer presenting a search warrant, the Principal shall first attempt to inform the parent or guardian of the police demand to search in order to afford the parent or guardian an opportunity to be present at the search. In the event that the parent or guardian cannot be contacted prior to a police search, the parent or guardian shall be informed of the search in writing by the Principal as soon thereafter as is practicable.

Regulations Pertaining to Child Protective Services' Investigations

From time to time, Child Protective Services may desire to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse and/or neglect. The following guidelines apply to all such interviews:

1. All requests by Child Protective Services to interview a student of the District on school property shall be made directly to the Principal or designee.
2. The time and place of such interview shall be designated by the Principal in his/her absolute discretion.
3. Any such interview conducted by the Child Protective Services shall be made in the presence of the Principal or, in the event that the Principal cannot be present, in the presence of a staff person designated by the Principal for that purpose. In the event that the Principal is not present within the District, then such interview shall not take place unless it is in the presence of the school nurse. No such interview shall take place without the presence of three designated persons.
4. This policy shall apply to all interviews requested by the Department of Social Services, Child Protective Services, as it pertains to that agency's investigations involving a student. Such investigation shall include, but shall not be limited to, suspected child abuse, suspected child neglect, and custody investigations.
5. This policy is for the protection and benefit of the students of the District and every reasonable effort shall be made to accommodate the request of the Department of Social Services, Child Protective Services, as it relates to the aforementioned investigations.