

**SUBJECT: STUDENT SEARCHES AND INTERROGATIONS**

Students are protected by the Constitution from unreasonable searches and seizures. The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the district code of conduct. Students are not entitled to any sort of “Miranda”-type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials will tell all students why they are being questioned.

The Board authorizes the Superintendent of Schools, Administration, the school nurse and district security officials including the School Resource Officer, to conduct searches of students and their belongings, in most instances, with exceptions set forth below in A. 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.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, so long as the school official has a legitimate and reasonable suspicion for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the district employees, will be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees will be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

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, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

**A. Student Lockers, Desks, School Supplied Electronic Devices and other School Storage Places**

The rules in this policy regarding searches of students and their belongings do not apply to student lockers, desks, school supplied electronic devices and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means that student lockers, desks, school supplied electronic devices 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.

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**SUBJECT: STUDENT SEARCHES AND INTERROGATIONS (cont'd)****B. Documentation of Searches**

The authorized school official conducting the search shall be responsible for promptly recording the name, age, grade of student searched, reasons for the search and any other pertinent information.

The Principal or the Principal's designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student, with the exception of approved personal medical devices, including, but not limited to, epinephrine auto-injectors, rescue inhalers, insulin, glucagon, and associated diabetes testing supplies, which are to remain with the student. The Principal or his or her designee shall clearly label each item taken from the student and retain control of the item(s), until the item is turned over to the police. The Principal or his or her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

**C. 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. While police officials do not have a general power to interview children in schools, or to use school facilities in connection with police departments work, the police may enter the schools of the District if a crime has been committed on school property, if they have a warrant for arrest or search, or if they have been invited by school officials.

Police officials may be summoned in order to conduct an investigation of alleged criminal conduct on school premises, or during a school-sponsored activity, or to maintain the educational environment. They may also be summoned for the purpose of maintaining or restoring order when the presence of such officers is necessary to prevent injury to persons or property.

District officials have the responsibility and the authority to determine when the assistance of law enforcement officers are necessary within their respective jurisdictions. The District officials shall at all times act in a manner which protects and guarantees the rights of students and parents/guardians.

Before police officials are permitted to question or search any student, the Principal or designee shall first try to notify the student's parent/guardian to give the parent the opportunity to be present during the police questioning or search. If the student's parent/guardian cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted, unless the student is 16 years of age or older. The Principal or designee will also be present during any police questioning or search of a student on school property or at a school function.

Students who are questioned by police officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.
4. They must be protected from coercion and illegal restraint.

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**SUBJECT: STUDENT SEARCHES AND INTERROGATIONS****D. Child Protective Services Investigations**

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will provide data and assistance to local child protective services workers, or members of a multi-disciplinary team accompanying such workers, who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as interviews with any child named as a victim in a report, or a sibling of that child, or a child residing in the same home as the victim.

All requests by child protective services to interview a student on school property shall be made directly to Principal or his or her designee. Child protective service workers and any associated multi-disciplinary team members must comply with the district's procedures for visitors, provide identification, and identify the child(ren) to be interviewed.

The Principal or designee shall decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse, to observe the interview either from inside or outside the interview room.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if not he or she were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.

Ref: Social Services Law §425  
18 NYCRR §432.3

*Safford Unified School District #1 et al. v. Redding*, 129 S. Ct. 2633 (2009)

*Vassallo v. Lando*, 591 F.Supp.2d 172 (E.D.N.Y. (2008))

*Phaneuf v. Fraikin* 448 F.3<sup>rd</sup> 591 (2006)

*New Jersey v. TLO*, 469 U.S. 325 (1985)

*In re Gregory*, 82 N.Y.2d 588 (1993)

*People v. Scott D.*, 34 N.Y.2d 483 (1974)

*People v. Singletary*, 37 N.Y.2d 310 (1975))

*People v. Overton*, 20 N.Y.2d 360 (1969)

*M.M. v. Anker*, 607 F.2d 588 (2d Cir. 1979)

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

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