

## **SUBJECT: SEARCHES AND QUESTIONING OF STUDENTS**

Students may be subject to personal searches and searches of their possessions where “reasonable suspicion” exists that such search will obtain evidence that the student violated the law or school rules. Searches may be conducted by the Superintendent, building principal or designee.

“Reasonable suspicion” means that whoever is conducting or authorized the search has a good faith reason to believe that the student violated the law or school rules. Such a reasonable belief must be based upon all the circumstances of the situation, including such things as:

- 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 necessitating an immediate search, and
- the reliability of information used to establish the need for the search.

The request for a search of a student or student's possessions will be directed to the Superintendent, building principal or designee, who will generally attempt to obtain an admission from the student of possession of the illegal matter or a voluntary consent to the search. The search will be limited to the extent necessary to locate the illegal matter. Typically, the search should be conducted in the privacy of administrative offices and the student should be present when his/her possessions are being searched.

### **No Strip Searches**

No search which requires a student to remove any and/or all clothing may be conducted by school officials. If the Superintendent, building principal or designee believes such a search is necessary due to the suspected presence of a weapon or drugs, the official will notify the police and detain the student until the police arrive to determine what further action is appropriate. However, students may be requested to remove outer coats, jackets and shoes, and to empty pockets, without the above precautions.

### **Documenting Search**

The Superintendent, building principal or designee will be responsible for documenting each student search. Such writing should include:

- name and age of student searched;
- the reasons for the search;
- information received that established the need for the search ;
- the name of the informant(s) from whom the information was received (informants other

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than the school district employees will be considered reliable if they have previously supplied information which was accurate and verified or if the same information is received independently from several informants);

- names of those persons who were present when the search was conducted;
- any substance or objects discovered;
- disposition of items founds;
- time, manner and results of parental notification.

The Superintendent, building principal or designee will 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 until the same are delivered to law enforcement authorities.

**Searches of School Property Including Use of Drug-Detecting Dogs**

Students have no reasonable expectation of privacy rights in school lockers, desks or other storage places owned by the District. Each building principal or designee should notify all students that lockers, desks and other school storage places may be subject to inspection at any time by school officials or by drug-detecting dogs.

The District will periodically use "drug detection dogs" in ascertaining the presence of illegal substances in our school buildings and/or on school property. Search dogs may be used to sniff cars, lockers and desks on a random and/or comprehensive building-wide basis. However, they may not be used to "sniff" students without reasonable suspicion that the search will lead to contraband.

**Questioning of Students by School Officials**

School officials have the right to question students regarding any violations of school rules and/or illegal activity. In general, administration may conduct investigations concerning reports of misconduct which may include, but are not limited to, questioning students, staff, parents/guardians, or other individuals as may be appropriate and, when necessary, determining disciplinary action in accordance with applicable due process rights.

Should the questioning of students by school officials focus on the actions of one particular student, the student will be questioned, as appropriate, in private by the appropriate school administrator. The student's parent/guardian may be contacted; the degree, if any, of parental/guardian involvement will vary depending upon the nature and the reason for questioning, and the necessity for further action which may occur as a result.

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The questioning of students by school officials does not preclude subsequent questioning/ interrogations by police authorities as otherwise permitted by law. Similarly, the questioning of students by school officials does not negate the right/responsibility of school officials to contact appropriate law enforcement agencies, as may be necessary, with regard to such statements given by students to school officials.

If deemed appropriate and/or necessary, the Superintendent/designee may also review the circumstances with School District legal counsel so as to address concerns and the course of action, if any, which may pertain to and/or result from the questioning of students by school officials.

### **Questioning of Students by Law Enforcement Officials**

If police are involved in the questioning of students on school premises, whether or not at the request of school authorities, it will be in accordance with applicable law and due process rights afforded students. Generally, police authorities may only interview students on school premises without the permission of the parent/guardian in situations where a warrant has been issued for the student's arrest (or removal).

Police authorities may also question students for general investigations regarding crimes committed on school property. In all other situations, unless an immediate health or safety risk exists, if the police wish to speak to a student without a warrant, they should take the matter up directly with the student's parent/guardian.

Whenever police wish to question a student on school premises, administration will attempt to notify the student's parent/guardian.

If possible, questioning of a student by police should take place in private and in the presence of the building principal/designee.

Family Court Act Section 1024  
Education Law Sections 1604(9) and (30),  
1709(2) and 1709(333) and 2801  
8 New York Code of Rules and Regulations  
(NYCRR Section 100.2(1))  
Social Services Law Sections 411-428