

## **SEARCHES AND INTERROGATION**

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 and Building Principals to conduct searches of students and their possessions for illegal matter or matter which otherwise constitutes a threat to the health, safety, welfare or morals of students attending our schools, **or is otherwise in violation of the rules of the school.**

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 (e.g., pocket contents, bookbags, handbags, etc.). Such searches shall not be conducted unless founded upon reasonable individualized suspicion.

Students shall be informed by the Administration that school lockers, desks, or other school storage areas, are not their private property but the property of the District and that as such may be opened and subject to inspection from time to time by school officials. While recognizing the right to inspect students' school lockers, desks or other school storage areas, without the necessity of obtaining students' consent is inherent in the authority granted school boards and administrators, school officials will exercise every safeguard to:

- emphasize that schools are educational rather than penal institutions; and
- resolve any doubts in the student's favor.

Realizing the intrusive nature of a search which requires a student to remove any and/or all clothing, the Board authorizes *the Superintendent or Principal to undertake* searches following a review of the facts by the School Attorney *and* the Superintendent of Schools *or Principal*. Such searches are to be conducted only in situations where an emergency exists or necessity of searching a particular student without delay exists. Prior to engaging in such search, the District will take into account the nature of the crime, the student's age, student's record, need for such a search, and a demonstration of individualized suspicion.

### **Interrogation of Students by Police**

It is the policy of the District to cooperate with law enforcement agencies. While police do not have a general power to interview children in schools, or to use school facilities in connection with police department work, the police may enter the schools of the district if a crime has been committed on school property, or if they have a warrant for arrest or search, or if school officials have invited them.

*The Board authorizes the Superintendent or Principal to undertake searches following a review of the facts by the School Attorney, the Superintendent of Schools, and the Principal.*

When police have properly entered the school and desire to interview students in the school, *the students' parents must be notified. Law enforcement officers do not have a legal right to interrogate a student in the school without parental permission.* The students must be afforded the same rights they have outside the school. They must be informed of their legal rights, may remain silent if they so desire, may request the presence of an attorney 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.

**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 Board encourages cooperation with Child Protective Services in accordance with applicable Social Services Law.

The Superintendent of Schools shall establish regulations regarding personal searches and interrogations of students in accordance with this policy and the law.

Adopted: November 20, 2001