

## SCHROON LAKE

5330-R

### SEARCHES AND INTERROGATIONS REGULATION

1. Pursuant to Board policy, students may be subject to personal searches and searches of their possessions where reasonable individualized suspicion exists to conduct such search.
2. Searches may be conducted by the Superintendent of Schools or in the presence of the school nurse.
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 individualized suspicion to conduct a search of a student or a student's possessions and the scope of the particular search shall be based upon: 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 probative value and reliability of information used as justification for the search.
5. The request for a search of a student or student's possessions shall be directed to the Superintendent, who shall attempt to obtain an admission from the student of 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 his/her possessions are being searched.
7. If school officials conclude that a more intrusive search is needed (i.e., a search which requires a student to remove any or all clothing) with the exception of a search of outer coats and jackets]), they shall attempt to notify the parents of the students involved by telephone, or in writing after the fact if the parents could not be reached by telephone. Such searches will be conducted by school officials only after consultation with the school attorney and/or the Superintendent or another school official designated by the Superintendent, unless there is reasonable cause to believe that an emergency situation may exist (e.g., a dangerous weapon is being concealed by a student). Such searches shall be conducted by an administrator or nurse of the same gender as the student in the presence of another district professional employee who is also of the same gender.
8. The Superintendent shall be responsible for the prompt recording in writing of each student search. Such writing should include the reasons for the search, information received that established the need for the search, and, where appropriate, the name of any informant(s) from whom information was received (informants other than the 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 student'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 Superintendent shall 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 unless the same are delivered to police authorities whereupon it shall be the responsibility of said Superintendent to personally deliver such matter to police authorities.
10. Students have no reasonable expectation of privacy rights in school lockers, desks or other school storage places, and the school exercises overriding control over such school property. The Superintendent shall give notice to all students that lockers, desks and other school storage places may be subject to inspection at any time by school officials.
11. No police officer may enter the schools of the district for the purposes of interrogating, searching or conducting formal investigations of students unless he/she has a warrant for arrest or search, unless a crime has been committed on school property, or if he/she has been invited by school officials.
12. No police officer shall be allowed to perform a student 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 Superintendent 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 Superintendent as soon thereafter as is practicable.
13. When police have properly entered the school and desire to interrogate a student, the Superintendent shall first attempt to notify the parent or guardian of the student involved by telephone prior to any such interrogation or by telephone or in writing after the fact if the parent or guardian could not be reached beforehand. The student's parent or guardian should be present, if appropriate. The Superintendent or other designated administrator, as appropriate, should also be present during any interrogation of a student by police on school property.

### *Documentation of Searches*

The following factors should be considered in order to determine whether reasonable individualized suspicion exists with regard to a search of a student's person or his/her effects:

1. Eyewitness accounts

Note:

by whom

date/time

place detailed description of events/items witnessed

2. Information from a reliable source

Note:

- from whom
- time received
- how information was received
- who received information
- complete summary of information

3. Suspicious behavior: describe behavior and explain suspicions

If a search is conducted, the following information should be documented:

4. Time and location of search
5. Age of student
6. Circumstances contributing to exigency of search
7. Purpose of search: what item(s) were being searched for?
8. Type of search and scope thereof
9. Person conducting search and his/her title/position
10. Witnesses of search
11. Results of search: material(s) found, disposition of such material/s
12. Results of parental notification

#### *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. This regulation 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.
2. All requests by Child Protective Services to interview a student of the district on school property shall be made directly to the Superintendent.
3. The time and place of such interview shall be designated by the Superintendent in his/her absolute discretion.
4. Any such interview conducted by the Child Protective Services shall be made in the presence of the Superintendent, or, in the event that the Superintendent cannot be present, in the presence of a staff person designated by the Superintendent for that purpose. In the event that the Superintendent is not present within the District, then such interview shall not take place unless it is in the presence of the school nurse.
5. This regulation 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.