

## 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 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.

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 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 without the necessity of obtaining students consent is inherent in the authority granted school Boards and administrators, school officials will exercise every safeguard to:

1. protect each students constitutional rights to personal privacy and protection from coercion;
2. emphasize that schools are educational rather than penal institutions; and
3. resolve any doubts in the students favor.

Realizing the intrusive nature of a search which requires a student to remove any and/or all clothing, the Board authorizes these searches following a review of the facts by the School Attorney or the Superintendent or his/her designee in the absence of the School Attorney. 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 students age, students record, need for such a search, and a demonstration of individualized suspicion.

*Interrogation of Students by Police*

It is the policy of this 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, if they have a warrant for arrest or search, or if they have been invited by school officials.

When police have properly entered the school and desire to interview students in the school, 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 shall establish regulations regarding personal searches and interrogations of students in accordance with this policy and the law.

Cross-ref: 5312.1, Drug and Alcohol Abuse

### **5312.2, Dangerous Weapons in School**

8135, Sale Schools

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

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

*People V. Scott D.*, 34 NY2d 483 (1974)

*Horton v. Goose Creek Independent District*, 690 F 2d 470 (1982)

*Doe v. Renfrow*, 631 F 2d 91, cert. den. 451 US 1022 (1981)

*M.M. v. Anker*, 477 F.Supp. 837, aff'd. 607 F.2d 589 (2d Cir. 1979)

*Bel/nier v. Lund*, 438 F.Supp. 47 (1977) *us V. Albarado*, 495 F 2d 799 (2d Cir. 1974)

*In Re Ronald B.*, 61 AD2d 204 (1978)

*People v. Haskins*, 48 AD2d 480 (1975)

*People v. Overton*, 24 NY2d 522 (1967)

Opinion of Counsel, 1 EDR 800 (1959)

Opinion of Counsel, 1 EDR 766 (195