

INTERROGATIONS AND SEARCHES

Searches of School Property Assigned to a Student

The following rules apply to the search of school property assigned to a student (locker, desk, etc.) and the seizure of items in his/her possession:

1. General housekeeping inspection of school property may be conducted with reasonable notice. Random searches of lockers may be conducted.
2. A search of a desk or other storage space maybe conducted where there exists reasonable cause for school authorities to believe that the area being searched contains evidence of a crime or violation of school rules.
3. Search of an area assigned to a student should be for a specifically identified item and should be conducted in his/her presence and with his/her knowledge.
4. Items, the possession of which constitutes a crime or violation of school rules, or any other possessions reasonably determined to be a threat to the safety or security of others may be seized by school authorities at any time.

Searches of a Student's Person or Personal Property by School Personnel:

Principals and their designees are permitted to search the person and personal property (purse, knapsack, gym bag, etc.) of a student when there is reason to believe that evidence will be obtained indicating the student's violation of either the law or school rules. The following rules apply in such cases.

1. There should be reasonable cause to believe that the search will result in obtaining evidence which indicates the student's violation of the law or school rules.
2. Searches will be conducted by a member of the same sex as the student.
3. Searches will be conducted in the presence of another administrator or staff member.
4. Parent(s)/guardian(s) of a minor student who is the subject of a search will be notified of the search and will be given the reason(s) for the search, as soon as feasible after completion of the search.
5. When evidence is uncovered indicating that a student may have violated the law, law enforcement officials shall be notified.
6. Strip searches should be discouraged. A substantially higher degree of certainty (more than a reasonable belief) is required prior to conducting such a search. In cases in which school officials believe a strip search is necessary, law enforcement officials should be called to conduct the search.

Searches of Student Property by Police

A law enforcement agency is required to produce a warrant prior to conducting any search of a student's personal property kept on school premises; however, when the police have reason to believe that any item which might pose an immediate threat to the safety or security of others is kept in a student locker, desk or other storage space, searches may be conducted without a previously issued warrant.

Interrogations by Police

The schools have legal custody of students during the school day and during hours of approved extracurricular activities. It is the responsibility of the school administration to try to protect each student under its control, therefore, the following steps will be taken:

1. The questioning of students by law enforcement agencies is limited to situations where parental consent has been obtained or the school official has made an independent determination that reasonable grounds exist for conducting an interrogation during school hours.
2. Whenever possible, police officers should contact and/or question students out of school. When it is absolutely necessary for an officer to make a school contact with a student, the school authorities will bring the student to a private room and the contact will be made out of the sight of others as much as possible.
3. The school principal must be notified before a student may be questioned in school or taken from a classroom.
4. If possible, a parent or legal guardian of the student to be interviewed should be notified by the police before the student is questioned so that the parents may be present if they so desire.
5. To avoid possible criticism, a school official will request to be present when an interrogation takes place within the school.
6. When the police feel it is necessary to remove a child from school, the police should first obtain parental consent or produce a warrant, court order, or other legal document which would give them authority to remove the child without parental consent. If the circumstances make it impossible for the police to make this notification to the parents, the principal or his/her designee should do so.
7. The police department should always be notified by the school principal whenever a student is involved in any type of criminal activity. When the principal learns of this involvement, he/she should notify the juvenile officer or detective bureau of the police department. The school should not attempt to handle matters which are properly in the realm of the police department.

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