

STUDENT 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, building principals and assistant principals to conduct searches of students and their possessions for illegal matters or matters which otherwise constitutes a threat to the health, safety, welfare or morals of students attending our schools.

In authorizing such searches, the Board of Education acknowledges both state and federal constitutional rights, which are applicable to personal searches of students and searches of their possessions (e.g., pocket contents, book bags, 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 student's 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:

- protect each student's constitutional rights to personal privacy and protection from coercion;
- emphasize that schools are educational rather than penal institutions; and
- resolve any doubts in the student's favor.

A. Interrogation of Students by Law Enforcement Personnel

It is the policy of this district to cooperate with law enforcement agencies. While law enforcement personnel do not have a general power to interview children in schools or to use school facilities in connection with their work, they 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 law enforcement personnel have properly entered the school and desire to interview students in the school, the students must be afforded the same rights they have outside of 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 law enforcement personnel.

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B. Investigations By Child Protective Services

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 of Education 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.

Before searching a student or the student's belongings, the authorized school official should attempt to get the student to admit that s/he possesses physical evidence that they violated the law or the district code, or get the student to voluntarily consent to the search. Searches will be limited to the extent necessary to locate the evidence sought. Whenever practicable, searches will be conducted in the privacy of administrative offices and students will be present when their possessions are being searched.

C. Student Lockers, Desks and Other School Storage Places

The rules in this *Code of Conduct* regarding searches of students and their belongings do not apply to student lockers, desks and other school storage places. Students have no reasonable expectation of privacy with respect to these places and school officials retain complete control over them. This means those student lockers, desks and other school storage places may be subject to search at any time by school officials, without prior notice to students and without their consent.

D. Strip Searches

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. If an authorized school official believes it is necessary to conduct a strip search of a student, the school official should contact law enforcement personnel after authorization in advance by the superintendent of schools or the school attorney.

The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

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E. Documentation of Searches

The building principal or his/her designee shall be responsible for promptly recording the following information about each search:

1. Name, age and grade of student searched
2. Reasons for the search
3. Name of any informant(s)
4. Purpose of search (*i.e.* what item(s) were being sought)
5. Type and scope of search
6. Person conducting search and his or her title and position
7. Witnesses, if any, to the search
8. Time and location of search
9. Results of search (*i.e.* what item(s) were found)
10. Disposition of items found
11. Time, manner and results of parental notification

The building principal shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student and shall retain control of the items, unless the items are turned over to law enforcement personnel. The building principal shall be responsible for personally delivering dangerous or illegal items to law enforcement personnel.

F. Law Enforcement Involvement in Searches and Interrogations of Students

District officials are committed to cooperating with law enforcement authorities to maintain a safe school environment. Law enforcement officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with their work. They may enter school property or a school function to question or search a student or to conduct a formal investigation involving students only if they have:

1. A search or an arrest warrants.
2. Probable cause to believe a crime has been committed on school property or at a school function, or
3. Been invited by school officials.

Before law enforcement officials are permitted to question or search any student, the building principal or his/her designee shall first try to notify the student's parent/guardian(s) to give the parent/guardian(s) the opportunity to be present during the questioning or search. If the student's parent/guardian(s) cannot be contacted prior to the questioning or search by a law enforcement official, the parent shall be informed of the questioning or search, in writing, as soon thereafter as possible. The building principal will also be present during any questioning or search of a student on school property or at a school function.

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F. Law Enforcement Involvement in Searches and Interrogations of Students

(continued)

Students who are questioned by law enforcement officials on school property or at a school function will be afforded the same rights they have outside the school. This means:

1. They must be informed of their legal rights.
2. They may remain silent if they so desire.
3. They may request the presence of an attorney.

G. Identification of Abuse or Maltreatment

The Board of Education recognizes that because of their sustained contact with school-aged children, employees are in an excellent position to identify abused or maltreated children and refer them for treatment and protection.

The purpose of mandatory reporting is to identify suspected abused and maltreated children as soon as possible, so that such children determined to be abused or maltreated can be protected from further harm and, where appropriate, can be offered services to assist him or her and his or her family.

Pursuant to applicable law, any school official or employee who has reasonable cause to know or suspect that a child has been subjected to abuse or maltreatment will immediately report this to the building principal who will report the case to the NYS Central Register for Child Abuse and Maltreatment, as required by law.

The report shall be made by telephone or by telephone facsimile machine on a form supplied by the Commissioner of Social Services. A written report shall be made within forty-eight (48) hours to the appropriate local child protective services officials and to the statewide NYS Central Register for Child Abuse and Maltreatment.

School employees and officials will not contact the child's family or any other person to determine the cause of the suspected abuse or maltreatment. It is not the responsibility of the school official or employee to prove that the child has been abused or maltreated.

Any school official or employee who has cause to suspect that the death of any child is a result of child abuse or maltreatment must report that fact to the appropriate medical examiner or coroner.

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G. Identification of Abuse or Maltreatment (continued)

In accordance with the law, any employee who fails to report an instance of suspected child abuse or maltreatment may be guilty of a Class A misdemeanor and may be held liable for the damages caused by the failure to report. The law grants employees and other persons who report instances of child abuse immunity in good faith from any liability that might otherwise be incurred.

The district will cooperate to the extent possible with authorized child protective services workers in investigations of alleged child abuse.

The school district shall maintain an ongoing training program that will address the identification and reporting of child abuse and maltreatment. Attendance at sessions of this training program shall be required of all district employees who come in contact with students. Attendance records shall be kept and notations will be made in personnel files as to the dates of attendance.

The superintendent of schools shall develop, with input from appropriate personnel, a plan for implementation of such a training program, to be approved by the Board of Education. In addition, the policy and regulations will be included in all employee handbooks and distributed annually to all personnel who are not covered under existing handbooks. The superintendent of schools will prepare and implement all regulations as are necessary to accomplish the intent of this policy.

A copy of this policy, along with the administrative regulations explaining the reporting requirements, shall be distributed to all members of the professional staff.

Consistent with the district's commitment to keep students safe from harm and the obligation of school officials to report to child protective services when they have reasonable cause to suspect that a student has been abused or maltreated, the district will cooperate with local child protective services workers who wish to conduct interviews of students on school property relating to allegations of suspected child abuse, and/or neglect, or custody investigations.

If a call is necessary to child protective services, the counselor or nurse must notify the building principal.

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G. Identification of Abuse or Maltreatment (continued)

All requests by child protective services to interview a student on school property shall be made directly to the building principal. S/he shall set the time and place of the interview and decide if it is necessary and appropriate for a school official to be present during the interview, depending on the age of the student being interviewed and the nature of the allegations.

If the nature of the allegations is such that it may be necessary for the student to remove any of his or her clothing in order for the child protective services worker to verify the allegations, the school nurse or other district medical personnel must be present during that portion of the interview. No student may be required to remove his or her clothing in front of a child protective services worker or school district official of the opposite sex.

A child protective services worker may not remove a student from school property without a court order, unless the worker reasonably believes that the student would be subject to danger of abuse if s/he were not removed from school before a court order can reasonably be obtained. If the worker believes the student would be subject to danger of abuse, the worker may remove the student without a court order and without the parent's consent.