

SEARCHES AND INTERROGATIONS

The Board of Education authorizes the Superintendent of Schools, Building Principals and Assistant 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.

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, book bags, handbags, etc.). Such searches shall not be conducted unless founded upon reasonable individualized suspicion.

Any student search involving a high degree of intrusiveness (i.e., a search that exposes a student's private parts) shall be conducted only after consultation with the Superintendent or designee and only when school officials have a reasonable, individualized suspicion of danger. Such searches should only be conducted by an adult of the same gender as the students, as well as another adult of the same gender or law enforcement personnel to serve as a witness to the search.

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. Students shall also be informed that motor vehicles in District parking lots or on District property may be inspected 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.

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 an offense 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.

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, interrogations, and investigations 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, Safe Schools

Ref: *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, affd. 607 F.2d 589 (2d Cir. 1979)
Bellnier 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 (1952)
Safford United School District v. Redding, 557 U.S. 364 (2009)
NYS Social Services Law, Section 425(1)
NYCRR Title 18 Section 432.3(i)(ii)

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