

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

FNF
(REGULATION)

INVESTIGATION OF
STUDENT
MISCONDUCT

School administrators, as the primary disciplinarians within the District, are charged with the duty of investigating allegations of student misconduct. District police officers will not be used to investigate routine allegations of student misconduct. The District police may be called in the following instances:

1. When the investigation suggests that the student has committed a criminal offense;
2. When the administrator needs assistance in securing a weapon;
3. When a student is highly agitated or violent;
4. When the administrator is fearful the student may injure the administrator or any other individual; or
5. When the administrator believes that the officer's particular expertise or judgment is necessary.

QUESTIONING
STUDENTS DURING
AN INVESTIGATION

Whenever possible the administrator should interview the student outside the presence of other students. The student may produce a written statement or he or she may speak into a tape recorder. If a tape recording is made, the statement will be transcribed, and a copy will be presented to the student for the student's signature within 24 hours of the interview. Parental permission is not necessary before questioning a student.

The administrator will not make any false promises to the student to secure a statement. For example, it is impermissible to tell a student that he or she will receive a lighter punishment if he or she confesses.

The administrator will not use coercive threats to secure a statement. For example, it is impermissible to tell a student that he or she definitely will be expelled if he or she does not confess.

SEARCH OF
STUDENTS BY
SCHOOL PERSONNEL

No school official or District police officer may search a student or the student's belongings unless the school official has a reasonable suspicion that a student has violated a specific rule or law and the school official reasonably expects that the search could produce evidence of that violation.

1. The search must be reasonably related to the objects sought. For example, if a school official is searching for a handgun, it is inappropriate to look inside envelopes and small containers.
2. The search must not be excessively intrusive in light of the student's age, sex, and nature of the infraction. For example, the search of a ten-year-old for unauthorized candy or gum

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

FNF
(REGULATION)

necessarily will be less intrusive than the search of a 16-year-old for an illegal knife.

3. A school official or District police officer conducting a lawful search for a particular item may seize other contraband identified during the search if the other contraband is found within the scope of the original search and is in plain view.

All searches will be conducted in the following manner:

1. If reasonable suspicion exists, the school official may pat down the outside of the student's garments. The school official may ask the student to remove an outer garment or hat, to empty all pockets, or to remove shoes and socks.
2. No school official may conduct a strip search. If the school official believes that such a search is necessary, the school official will call the student's parent.
3. Any search of a student's person should be conducted in a private room or area if circumstances permit. The person conducting the search must be of the same gender as the student. An adult witness must be present during the search.
4. The school official conducting the search will complete the designated form. [See FNF(EXHIBIT)]
5. The school official completing the search will take all reasonable precautions to ensure the security of the objects found. Weapons, controlled substances, or dangerous objects will be turned over to the District police as soon as practicable.

STUDENT CELL
PHONES AND
TECHNOLOGY

Generally, a school official should not search the contents of a student's cell phone or other technology device. However, a school official may search a phone or other device if the school official has a **reasonable suspicion, based on specific evidence**, that the device was used in or contains evidence of misconduct, violation of school policy or engaging in unlawful activity, or if the school official believes that the device may contain evidence that the student owner is an imminent threat to him/herself or others.

The following procedures should be followed:

1. There is a difference between seizing a device and searching the device. A device may be seized (i.e. taken up) if having it out violates classroom rules. However, the device may only be searched if there is a reasonable suspicion that the device was used in or contains evidence of misconduct, violation of school policy or engaging in unlawful activity, or if the school

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

FNF
(REGULATION)

official believes that the device may contain evidence that the student owner is an imminent threat to him/herself or others.

2. School officials should only search the parts of the device in which evidence of misconduct is reasonably believed to exist. For example, if a teacher believes that a student was texting answers to a test, the teacher probably does not have a reasonable basis to look at photos on the student's phone.
3. A lost device may be administratively searched to determine its owner, but the search should be limited to areas of the device that might establish ownership, and the search must stop when ownership is determined.

USE OF CANINES ON
CAMPUS

Trained dogs, under the supervision of certified handlers, may be used to sniff student lockers, desks, and student or staff automobiles parked on school property. These dogs may not be used to sniff students or their personal property, such as purses and backpacks (except for personal property found in lockers).

The following procedures apply:

1. A District police officer or administrator will accompany the certified canine handler during the visit if the certified canine handler is not a District police officer. [See FNF(LOCAL)]
2. If a dog reacts positively to a locker, desk, automobile, or other object or area, the administrator or District police officer will summon the student to the area. The administrator or the District police officer will tell the student that the dog has alerted on his or her property. If the property is locked, the administrator or District police officer will then request the student to unlock the property.
3. If the student consents to the search, the District police officer or school administrator or both will initiate the search of the property in the student's presence. If contraband is found (e.g., drugs, alcoholic beverage container, firearm), the person conducting the search will show the contraband to the student. The contraband will then be placed in an empty transparent bag or container. The empty bag or container will be shown to the student before placing the contraband inside it.
4. An adult witness must be present during the search.
5. The person conducting the search will complete the designated form [see FNF(EXHIBIT)].

STUDENT RIGHTS AND RESPONSIBILITIES
INTERROGATIONS AND SEARCHES

FNF
(REGULATION)

STUDENT REFUSAL
TO CONSENT TO A
SEARCH

If the student declines to open the locker, the administrator or officer may proceed with the search.

If the student declines to unlock his or her vehicle, the student's parent will be called. If the parent does not give permission for the search, a District officer may obtain and execute a search warrant if appropriate.