

QUESTIONING AND SEARCHES OF STUDENTS

The M.S.A.D. No. 75 Board of Directors recognizes its responsibility to ensure that discipline is maintained in the schools and that a safe, orderly environment conducive to the educational process is preserved. Therefore, school administrators may question and/or conduct reasonable searches of students, their personal property, and their vehicles upon reasonable suspicion that they possess any items or substances that are prohibited by law, School Board policies and/or school rules, or that interfere with the operations, discipline, or general welfare of the school.

Lockers and other storage facilities on school premises are school property and shall remain at all times under the control, custody, authority, and supervision of the school authorities. Student use of school storage facilities is a privilege. Students have no expectation of privacy in school storage facilities or for any items placed in school storage facilities. Students will have prior notice that lockers and other storage facilities made available to them for temporary storage of their personal possessions remain under the control and ownership of the school administration and that the school administration has the right to search lockers, desks and other storage facilities for items which violate law, school policies or regulations. Students will be asked to sign a statement acknowledging their understanding of this. Such searches may be conducted as part of a program of random searches or when reasonable grounds exist to suspect that the search will reveal evidence that the student has violated or is violating the law or the policies and the rules of the school. Searches in response to reasonable grounds may be conducted by school administrators as a result of a patrol of school premises by dogs trained to detect drugs or weapons. Only the Superintendent may determine when a canine patrol and any resulting search may be conducted.

Student parking on school grounds is a privilege. Students, their personal property and their vehicles may be searched by the administration or law enforcement officials upon reasonable suspicion that they possess any items or substances which are prohibited by law, School Board policies and/or school rules, or which interfere with the operations, discipline, or general welfare of the school. Students will be asked to sign a statement acknowledging their understanding of this policy.

ADMINISTRATIVE PROCEDURE: QUESTIONING AND SEARCHES OF STUDENTS

I. Questioning by School Administrators

1. School administrators are under no obligation to notify a student's parents/guardians prior to questioning a student regarding alleged violations of Board policies, school rules, and/or federal/state laws.
2. A school administrator will inform the student of the reasons for the questioning and provide an opportunity for the student to respond to any allegations. School

administrators will make a reasonable effort to question the student in a location out of the sight and hearing of other students.

3. If a student fails to cooperate, lies, misleads, or threatens any person during questioning, he/she may be subject to additional disciplinary action.

II. Searches of Students, Personal Property in Student's Immediate Possession

The following protocol will be observed when conducting searches of students or personal property in students' immediate possession. The scope of such searches must be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. These are guidelines and may be adjusted within reasonable and lawful limits on a case-by-case basis.

1. When the school administrator has reasonable suspicion that a student has possession of any items that violate law, school policies or regulations, he/she will call the student to a private location, if practical, and in the presence of a second staff member, inform the student that there is reason to believe that he/she is in possession of such items.
2. During any search of a student's person, i.e., a pat-down search or a search of garments being worn by the student except outer coats, sweatshirts or the like which may be removed and searched, the Principal and/or Assistant Principal or designee will be present along with one other adult employee of the school, who will be of the same gender or sex as the student being searched; and such search will be conducted in an appropriate private area, if practical. A student has the right to request that the search be conducted by an administrator (or designee) of the same sex or gender.
3. During any search of property belonging to the student, the school administrator shall ask the student to open and fully reveal the contents of any container, compartment, bag, or other item. If the student refuses to open the item or fully reveal its contents, the school administrator may open and search the item to reveal its contents. The student should be allowed to be present for any search whenever practical.
4. The use of any lock other than that supplied by the school may result in the forcible removal and destruction of the lock. The school shall not be liable for any damage to a non-school lock applied to a school locker.
5. Any items that are illegal, prohibited by Board policies or school rules, or that in the reasonable judgment of school administrators represent a threat to the safety and welfare of the school population may be seized by school administrators.
6. The seizure or confiscation of items located in lockers, student backpacks, vehicles, and/or personal student property shall be accomplished in the following manner:

- Each item seized must be identified in a written receipt issued to the student.
- If items are found that are illegal, the police shall be called, and such items will be turned over to the police. Such other items which are seized shall be secured in a locked desk, cabinet, vault, or office.
- The school administrator or his/her designee shall prepare a report indicating the time and place of the search, who was present at the search, what items were seized as a result of the search, and the disposition of such items.
- A copy of this report shall be given to the student, the student's parent/guardian, and the Superintendent, no later than the next school day following the search. In complying with this section as regards notification to the student's parent/guardian, it shall be sufficient that the parent/guardian shall be orally notified of the search on the day it is conducted, and a copy of the report is mailed by the end of the next school day.

If a school administrator has reason to believe that a student is under the influence of alcohol or any illegal drug, the administrator may require the student, in addition to any other steps that are authorized by this policy, to submit to a non-intrusive testing protocol conducted by the school nurse or other certified school personnel.

A more expansive search of a student's person is permissible in emergency situations when the health and safety of students, employees, or visitors on the school premises are threatened. Such a search should be conducted in private by a school administrator of the same sex or gender, with an adult of the same sex or gender present, unless the health or safety of students will be endangered by any delay resulting from the application of these procedures.

III. Searches of Student Cell Phones and Electronic Devices

A school administrator may search a student's cell phone or electronic device only if there is a reasonable and individualized suspicion that the search will reveal evidence that the student violated the law or Board policy. Simple possession or use of a cell phone or electronic device in violation of a school rule or policy is insufficient justification for a search of the device. The scope of the search must be reasonably related to the objectives of the search and not excessively intrusive in light of the student's age and sex and the nature of the infraction.

Reasonable suspicion must be based on specific and objective facts that the search will produce evidence related to the particular alleged violation. Searches of an individual student's cell phone or electronic device may not be conducted in order to search for evidence of a violation by another student. The search must be limited in scope to locating evidence of the suspected rule or policy violation and must be terminated when any such

evidence has been located.

IV. Canine Patrol

The following protocol will be observed when conducting canine patrols and resulting searches of student lockers, student backpacks, vehicles, personal student property and their contents.

1. The Superintendent may authorize canine patrols to take place anywhere on school property if he/she deems it advisable to maintain school safety or if there is a reasonable suspicion that drugs, weapons, and/or other illegal substances or items will be found. Canine patrols may include school lockers and/or student vehicles in school parking lots.
2. The Superintendent must submit requests for canine patrols in writing to the appropriate law enforcement authorities. Only certified dogs and handlers may be used.
3. Whenever possible, canine patrols will be scheduled to minimize disruption of the academic program and risk of contact with students.
4. The principal and/or assistant principal or designee will be present along with one other adult employee of the school.
5. Teachers will be notified prior to the initiation of a canine patrol to keep students in their classroom during the patrol. Any students in the parking lot, or anywhere outside of a classroom, prior to a canine patrol will be instructed to report to the school office or appropriate classroom.
6. Any locker and/or vehicle, student backpacks, and/or personal student property identified by the canine patrol will be noted by the school administrators accompanying the patrol.
7. Immediately following removal of the dogs, each area noted during the canine patrol will be searched, following the requirements of this policy.
8. If practical, the student should be present during a search of his/her locker and/or vehicle. A reasonable effort shall be made to conduct the search out of the sight and hearing of other students. The student may be given the opportunity to open any closed items or items that are not easily accessible to visual search. If the student refuses, the administrator will open and search the items.
9. Any items that are illegal, prohibited by Board policy or school rules, or that in the reasonable judgment of school administrators represent a threat to the safety and welfare of the school population may be seized by school administration. In case of seizure of items, the protocol described above concerning documentation and notification regarding student searches shall apply.

These procedures may be adjusted within reasonable and lawful limits on a case-by-case basis.

The Superintendent may implement any administrative procedures necessary to carry out this policy.

CROSS REFERENCE:	JIC – District-Wide Student Code of Conduct
	JICH – Student Substance Abuse
	JICIA – Weapons
	JICJ – Student Use of Cell Phones and Other Electronic Devices
	JK – Student Discipline

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