

CODE OF CONDUCT: STUDENT SEARCHES AND INTERROGATIONS

The Board of Education is committed to ensuring an atmosphere on school property and at school functions that is safe and orderly. To achieve this kind of environment, any school official authorized to impose a disciplinary penalty on a student may question a student about an alleged violation of law or the District Code of Conduct. Students are not entitled to any sort of *Miranda* type warning before being questioned by school officials, nor are school officials required to contact a student's parent before questioning the student. However, school officials shall tell all students why they are being questioned.

In addition, the Board authorizes the Superintendent, building administrators and the school nurse to conduct searches of students and their belongings if the authorized school official has reasonable suspicion to believe that the search shall result in evidence that the student violated the law or the District Code of Conduct.

An authorized school official may conduct a search of a student's belongings that is minimally intrusive, such as touching the outside of a book bag, without reasonable suspicion, so long as the school official has a legitimate reason for the very limited search.

An authorized school official may search a student or the student's belongings based upon information received from a reliable informant. Individuals, other than the District employees, shall be considered reliable informants if they have previously supplied information that was accurate and verified, or they make an admission against their own interest, or they provide the same information that is received independently from other sources, or they appear to be credible and the information they are communicating relates to an immediate threat to safety. District employees shall be considered reliable informants unless they are known to have previously supplied information that they knew was not accurate.

Before searching a student or the student's belongings, the authorized school official should give the student the opportunity to say whether or not he or she possesses physical evidence that they violated the law or the District Code of Conduct, and to voluntarily consent to the search. Searches shall be limited to the extent necessary to locate the evidence sought.

Whenever practicable, searches shall be conducted in the privacy of administrative offices and students shall be present when their possessions are being searched.

I. 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 that student lockers, desks and other school storage places may be subject to search at any time by school officials, including the removal of locks installed by students, without prior notice to students and without their consent.

II. Treatment of Cell Phones

Teachers and administrators are authorized to confiscate student cell phones that are being used in violation of the *Policy 5300 Code of Conduct* and/or *Policy 5695 Personal Electronic Communication Devices*. They are permitted to look at the screen of the confiscated cell phone and request the student's cooperation to search the cell phone further. Absent a student's permission, teachers should not undertake a more extensive search of a cell phone, and should notify the building principal as soon as practicable. In such instances, if the principal has reasonable suspicion that a search will result in the discovery of evidence that the law or the District Code of Conduct have been violated, he/she should alert the Superintendent of Schools or his /her designee, who shall contact the District's legal counsel for guidance.

III. Documentation of Searches

The authorized school official conducting the search should promptly recording the following information about each search:

- A. Name, age and grade of student searched.
- B. Reasons for the search.
- C. Name(s) of any informant(s) (to be kept confidential).
- D. Purpose of search (that is, what item(s) were being sought).
- E. Type and scope of search.
- F. Person conducting search and his/her title and position.
- G. Witnesses, if any, to the search.
- H. Time and location of search.
- I. Results of search (that is, what items(s) were found).
- J. Disposition of items found.
- K. Time, manner and results of parental notification, if contraband is found.

The building principal or his/her designee shall be responsible for the custody, control and disposition of any illegal or dangerous item taken from a student. The principal or his/her designee shall clearly label each item taken from the student and retain control of the item(s). The principal or his/her designee shall be responsible for personally delivering dangerous or illegal items to police authorities.

IV. Police Involvement in Searches and Interrogations of Students

- A. District officials are committed to cooperating with police officials and other law enforcement authorities to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work. Police officials 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 warrant; or
 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.

- B. Before police 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 to give the parent the opportunity to be present during the police questioning or search. If the student's parent cannot be contacted prior to the police questioning or search, the questioning or search shall not be conducted. The principal or designee shall also be present during any police questioning or search of a student on school property or at a school function.
- C. Students who are questioned by police officials on school property or at a school function shall 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 their attorney.

V. Child Protective Services Investigations

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 shall provide data and assistance to local Child Protective Services workers, or members of a multi-disciplinary team accompanying such workers who are responding to allegations of suspected child abuse, and/or neglect, or custody investigations. Such data and assistance include access to records relevant to the investigation, as well as access to any child named as a victim in a report or a sibling of that child, or a child residing in the same home as the victim. Such access includes conducting an interview of such child without a court order or the consent of the parent, guardian or other person legally responsible for the child when the Child Protective Service encounters circumstances that warrant interviewing the child apart from family or other members of the home or household where child abuse or maltreatment allegedly occurred.

All requests by Child Protective Services to interview a student on school property shall be made directly to building principal or his/her designee. Child Protective Service workers and any associated multi-disciplinary team members must comply with the District's procedures for visitors, provide identification and identify the child(ren) to be interviewed. The building principal or his/her designee shall decide if it is necessary and appropriate for a school staff member, including but not limited to an administrator or school nurse to observe the interview either from inside or outside the interview room.

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 he or she 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.

Great Neck Public Schools

Adopted: 6/25/01

Amended: 10/15/12; 11/14/16