

RSU #16 (Mechanic Falls, Minot, Poland)(msm)

Policy Code: JIH-R

Adopted: April 2019

Revised:

QUESTIONING AND SEARCHES OF STUDENTS

ADMINISTRATIVE PROCEDURE

The purpose of this administrative rule is to provide guidelines for the conduct of student questioning and searches by authorized school administrators. These are guidelines only and may be adjusted within reasonable and lawful limits on a case-by-case basis. School administrators have the discretion to request the assistance of law enforcement authorities as they deem necessary and in accordance with Board policy.

During a search, any illegal item(s) found that violates Board policies or school rules, or which in the reasonable judgment of school administrators represents a threat to the safety and welfare of the school population will be seized. Illegal item(s) shall be turned over to the law enforcement authorities. Other item(s) will be stored in a secure location until a determination is made regarding appropriate disposition.

School administrators are required to document all searches and items seized or impounded during a search. The Superintendent and the parent(s)/legal guardians of students involved will be informed of the search and items seized or impounded.

Questioning by School Administrators

1. School administrators are under no obligation to notify a student's parent(s)/legal guardians prior to questioning a student regarding alleged violations of Board policies, school rules, and/or federal/state laws.
2. School administrators 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.
4. If a School Resource Deputy (SRD) or law enforcement agent is present during administrative questioning of a suspect, a parent(s)/guardian's consent must be received for all minor students. If a witness becomes a suspect during the interview, the SRD must get permission from parent(s)/legal guardians for minor students to continue to be present during the remainder of the interview.

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

1. School administrators are authorized to search students and/or personal property in students' immediate possession, when, in their judgment, there are reasonable grounds to suspect that a student has violated or is violating Board policies, school rules, federal/state laws, or is interfering with operations, discipline or general welfare of the school.
2. All searches of students and/or their personal property, will be authorized and conducted by a school administrator in the presence of a witness, except where the circumstances render the presence of a witness impractical. A reasonable effort will be made to conduct searches out of sight and hearing of other students.
3. Searches should be reasonably related to the suspected violation and no more intrusive than necessary to discover the evidence for which the search was instigated. Searches may include pat downs and searches of the student's outer clothes (e.g., pockets, jacket, shoes, hat) and personal belongings (e.g., purse, backpack, gym bag, lunch bag). The student may be given the opportunity to open any closed items and items that are not easily accessible to visual search. If the student refuses, the administrator will open and search the items. If the search produces a reasonable suspicion of the presence of evidence, a broader search may be justified. If a strip search appears to be necessary law enforcement authorities will be contacted.
4. Searches will disclose evidence that a student has violated Board policies or school rules will be addressed through school disciplinary procedures. Evidence of violation of federal/state laws may result in school disciplinary action and/or be forwarded to law enforcement authorities for possible investigation/prosecution.

Searches of Lockers, Desks, and Other School Storage Facilities

1. School administrators will consult with the Superintendent prior to conduction random searches. Students

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- have no expectation of privacy in school storage facilities or for any items placed in such storage facilities. School administrators have the authority to inspect and search storage facilities and their contents on a random basis, with or without reasonable suspicion, and without notice or consent.
2. Searches of individual student lockers, desks, or other storage facilities and their contents based upon reasonable suspicion will be conducted in the presence of the student and a witness, if practical under the circumstances of the search. A reasonable effort will be made to conduct searches 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.
 3. Any searches which disclose evidence that a student has violated Board policies or school rules will be addressed through school disciplinary procedures. Evidence of violation of federal/state laws may result in school disciplinary action and/or be forwarded to law enforcement authorities for possible investigation/prosecution.

Patrolling of Parking Lots and Searching Vehicles

1. Students may drive vehicles to school and park in designated areas in accordance with school rules. School administrators retain the authority to patrol parking lots.
2. If school administrators have a reasonable suspicion that a vehicle which a student has parked at school contains evidence that the student has or is violating Board policies or school rules, of federal/state laws, and/or there is a substantial threat to the welfare and safety of the schools. A school administrator will search the vehicle in the presence of a witness, except where the circumstances make the presence of a witness impractical.
3. If practical, the student should be present during the search. A reasonable effort will be made to conduct searches 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.

Canine Patrols

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 make 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. 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.
5. Any locker and/or vehicle identified by the canine patrol will be noted by the school administrators accompanying the patrol.
6. Immediately following removal of the dogs, each area noted during the canine patrol will be searched. Each search will be conducted by a school administrator in the presence of a witness, except where the circumstances make the presence of a witness impractical.
7. If practical, the student should be present during a search of his/her locker or vehicle. A reasonable effort may 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.

Cross Reference: JIH – Questioning and Searches of Students
KLG – Relations with Law Enforcement Authorities

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SIGNATURE BLOCK:

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