

QUESTIONING AND SEARCHES OF STUDENTS AND STUDENTS' LOCKER/STORAGE FACILITIES

The School Board seeks to maintain a safe and orderly environment in the schools. School administrators may question and/or search students in accordance with this policy and accompanying administrative procedure.

Students, their personal property, and their vehicles may be searched while on school property or at any school-sponsored event or activity upon reasonable suspicion that they possess any items or substances which are prohibited by ~~law~~, Board policies and/or ~~school~~-rules, or upon reasonable suspicion of a substantial threat to the safety, health, or welfare of the schools, which interfere with the operations, discipline or general welfare of the school. ~~When special circumstances exist, including but not limited to a suspected ongoing violation of the Board's drug/alcohol or weapons policies~~

~~w~~When a potential threat to safety is identified reasonable suspicion of a substantial threat to the safety, health, or welfare of the schools, students or staff exists, school administrators may search groups of students or the entire student body without individualized suspicion.

Student use of all school storage facilities, including but not limited to lockers, desks, and parking lots, is a privilege granted by the school. All storage facilities are school property and remain under the control, custody, and supervision of the school. Students 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, for violations of board policies or rules. Canine patrols may be used to conduct searches anywhere on school property but only if conducted in compliance with JIH-R and other applicable Board policies or rules.

If a search produces evidence that a student has violated or is violating ~~the law~~, Board policies and/or ~~school~~-Board rules, such evidence may be seized and impounded by school administrators and appropriate disciplinary action may be taken. Evidence may be forwarded to law enforcement authorities as required by law or when there is a substantial threat to the safety, health, or welfare of the schools, students or staff, as deemed appropriate by school administrators or where referrals to police are otherwise permitted by school policy.

A student who refuses to comply with a permitted search directive may be subject to disciplinary action, including the disciplinary consequences for ~~the a suspected~~-violation based on reasonable suspicion.

~~The Superintendent is authorized to develop and implement, with input from legal counsel, administrators, and/or other appropriate persons, any administrative procedures necessary to carry out this policy.~~

This policy and the accompanying procedure will be included in student/parent handbooks.

Cross Reference: JIH-R - Questioning and Searches of Students Administrative Procedure
CAPE ELIZABETH SCHOOL DEPARTMENT

QUESTIONING AND SEARCHES OF STUDENTS AND STUDENTS' LOCKER/STORAGE FACILITIES

JICH - Drug and Alcohol Use by Students

JICIA - Weapons, Violence, and School Safety

JK - Student Discipline

KLG – Relations with Law Enforcement Authorities

KLG-R - Relations with Law Enforcement Authorities Administrative

Procedure

ADOPTED: September 9, 2008

QUESTIONING AND SEARCHES OF STUDENTS AND STUDENTS' LOCKER/STORAGE FACILITIES
Administrative Procedure

The purpose of this administrative rule is to provide procedures for the conduct of student questioning and searches by authorized school administrators pursuant to Policy IIIH. School administrators have the discretion to request the assistance of law enforcement authorities where there is a substantial threat to the safety, health and welfare of the schools, students or staff. Law enforcement authorities will not participate in searches except where there is a substantial threat to the safety, health and welfare of the schools, students or staff. [NOTE: Administrators should be aware that police generally must have "probable cause" to conduct searches, which is higher standard than "reasonable suspicion", the standard required of school administrators.]

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During a search if an item is found that violates Board policies or Board rules, or is a substantial threat to the safety, health and welfare of the schools, students or staff, it shall be seized. Illegal items shall be turned over to law enforcement authorities. Other items shall be stored in a secure location until a determination is made regarding appropriate disposition.

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School administrators are required to document all searches and items seized or impounded and inform the Superintendent and the parents of students involved.

A. 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, and/or Board rules.

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2. School administrators shall inform the student of the reasons for the questioning and provide an opportunity for the student to respond to any allegations. School administrators shall 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.

Comment [2]: Can we constitutionally do this?

B. Searches of Students, Personal Property in Students' Immediate Possession
While on School Property

1. School administrators are authorized to search students and/or personal property in students' immediate possession while on school property, when, in their judgment, there are reasonable grounds to suspect that a student has violated or is violating Board policies, or Board rules, or where there is a substantial threat to the safety, health and welfare of the schools, students or staff.

Comment [3]: not reasonable suspicion

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2. All searches of students and/or their personal property shall be authorized

QUESTIONING AND SEARCHES OF STUDENTS AND STUDENTS' LOCKER/STORAGE FACILITIES

Administrative Procedure

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 the sight and hearing of other students.

3. Searches should be reasonably related to the reasonably 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 or items that are not easily accessible to visual search. If the student refuses, the administrator shall open and search the items. If the search produces a reasonable suspicion of the presence of evidence, a broader search may be justified.

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4. Searches which disclose evidence that a student has violated Board policies or Board rules will be addressed through school disciplinary procedures. Where there is a substantial threat to the safety, health and welfare of the schools, students or staff, evidence of threat may be forwarded to law enforcement authorities for possible investigation/prosecution.

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C. Searches of School Lockers, Desks, and Other School Storage Facilities on School Property

1. School administrators shall consult with the Superintendent prior to conducting random searches. Students 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.

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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 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. If practical, 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 may open and search the items.

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3. Any search which discloses evidence that a student has violated Board policies or Board rules will be addressed through school disciplinary procedures. Where there is a substantial threat to the safety, health and welfare of the schools, students or staff, evidence of such threat may be forwarded to law enforcement authorities for possible investigation/prosecution.

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D. Patrolling of Parking Lots and Searching Vehicles

QUESTIONING AND SEARCHES OF STUDENTS AND STUDENTS' LOCKER/STORAGE FACILITIES**Administrative Procedure**

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 ~~Board rules, or where there is a substantial threat to the safety, health and welfare of the schools, students or staff~~, a school administrator will search the vehicle in the presence of a witness, except where the circumstances make the presence of a witness impractical.

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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 ~~may~~ open and search the items.

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E. Canine Patrols and Searches

1. The Superintendent may authorize canine patrols to take place anywhere on school property, including in hallways and parking lots, ~~where there is a substantial threat to the safety, health and welfare of the schools, students or staff~~.

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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. When canine patrols take place during the school day, teachers will be notified prior to the initiation of a canine patrol to keep students in their classrooms 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. All student vehicles, ~~while on school property, school~~ lockers, and/or other school storage facilities will be scanned~~[or identified]~~ during a canine patrol. Any ~~such~~ vehicle, locker or other school storage facility identified~~[or scanned]~~ by the canine patrol will be noted by the school administrators accompanying the patrol.

6. Immediately following removal of the dogs, each area ~~on or in school property~~ 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.

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Administrative Procedure

7. If practical, the student should be present during a search of his/her vehicle, locker or other school storage facility. 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 may open and search the items.

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Cross Reference: JIH - Questioning and Searches of Students
JICIA - Weapons, Violence, and School Safety
JK - Student Discipline
KLG - Relations with Law Enforcement Authorities
KLG-R - Relations with Law Enforcement Authorities Administrative Procedure

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ADOPTED: September 9, 2008

**ADMINISTRATIVE PROCEDURE FOR
QUESTIONING AND SEARCHES OF STUDENTS/STORAGE**

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. Law enforcement authorities will not participate in searches except under exceptional circumstances. [NOTE: Administrators should be aware that police generally must have “probable cause” to conduct searches, which is higher standard than “reasonable suspicion”, the standard required of school administrators.]

During a search if any illegal item is 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 shall be seized. Illegal items shall be turned over to law enforcement authorities. Other items shall 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 and inform the Superintendent and the parents of students involved.

A. 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. School administrators shall inform the student of the reasons for the questioning and provide an opportunity for the student to respond to any allegations. School administrators shall make a reasonable effort to question the student in a location out of the sight and hearing of other students.
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B. Searches of Students, Personal Property in Students’ 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 the operations, discipline or general welfare of the school.
2. All searches of students and/or their personal property shall be authorized and conducted by a school administrator in the presence of a witness, except where the

**ADMINISTRATIVE PROCEDURE FOR
QUESTIONING AND SEARCHES OF STUDENTS/STORAGE**

circumstances render the presence of a witness impractical. A reasonable effort will be made to conduct searches out of the sight and hearing of other students.

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4. 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.

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**ADMINISTRATIVE PROCEDURE FOR
QUESTIONING AND SEARCHES OF STUDENTS/STORAGE**

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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 shall open and search the items.

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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. When canine patrols take place during the school day, teachers will be notified prior to the initiation of a canine patrol to keep students in their classrooms 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. All student vehicles, lockers, and/or other school storage facilities will be scanned during a canine patrol. Any vehicle, locker or other school storage facility 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

ADMINISTRATIVE PROCEDURE FOR
QUESTIONING AND SEARCHES OF STUDENTS/STORAGE

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Cross Reference: JIH - Questioning and Searches of Students

ADOPTED: September 9, 2008

SCHOOL-SPONSORED SOCIAL ACTIVITIES/EVENTS

The Board recognizes the value of school-sponsored social activities/events in enhancing the educational experience of Cape Elizabeth students.

“Social activities/events” include dances, proms and other social functions that are held outside of regular school hours. Class outings and other school-sponsored excursions are outside the scope of this policy and are addressed in the Board’s policy IHOA-Field Trips. Participation in school-sponsored activities is a privilege not a right.

Classes (e.g., senior class) and student clubs and organizations may plan social events under the guidance of club or organization advisors or school administrators.

All student social activities/events must be approved in advance by the building principal. Activities/events shall be held in school facilities unless the off-campus venue is approved by the building principal and the Superintendent.

Approval of social activities/events will be contingent upon:

1. Designation of a staff member who shall be responsible for the activity/event and present in a supervisory capacity;
2. Provisions for adequate chaperonage/adult supervision and, if warranted by the circumstances of the activity/event, security or policy protection;
3. Provisions for the safety of students and adults involved;
4. When activities/events are held in school facilities, provisions for cleaning up afterward.

Students and their guests must comply with all Board policies and school rules pertaining to student conduct. Violations, which take place at school-sponsored events, will result in the same disciplinary consequences as would apply to on-campus infractions.

Students may leave the building at any time after arrival but may not return.

Students may engage in fundraising as allowed by Board policy to support social activities/events and reasonable admission fees may be charged to defray the cost.

The Superintendent/designee(s) may develop rules pertaining to the planning and execution of student social activities/events, including those related to supervision, student conduct and safety.

Cross reference: KF-Community Use of Facilities

APPROVED: December 2, 2008

INTERRUPTED STUDY

We support students in seeking cultural and educational experiences in other countries or school settings. Planning for such an experience should begin the year before the proposed study.

Students must write a letter of intent to the school principal to leave the system to study in another location. This letter should clearly explain the student's plan for study away. The student and parents must meet with the respective guidance counselor to develop an academic plan that will insure successful fulfillment of the Cape Elizabeth graduation requirements. A semester of study away may affect the sequence of required courses as most of Cape Elizabeth academic courses are a year long. The families and school should plan the student's experience so that re-integration occurs at the beginning of a semester or year. The Cape Elizabeth School Department does not provide correspondence-type courses for students traveling for extended periods.

Official transcripts with grades to be added into the Cape Elizabeth academic record are required. These grades will be incorporated into student transcripts according to the high school's procedure for transfer of student grades. Each semester course will receive five credits towards high school graduation requirements.

CROSS REFERENCE: Cape Elizabeth High School Guidance Office –
“Procedures for Transfer of Student Grades”

ADOPTED: February 11, 1997
Recoded: June 1998
REVISED: November 4, 2008

**REINTEGRATION OF STUDENTS FROM JUVENILE
CORRECTIONAL FACILITIES**

Maine law requires the establishment of a reintegration team to assist a student entering a public school from a juvenile correctional facility. The Board recognizes the need for advance planning and appropriate confidentiality in these circumstances.

The Superintendent shall be responsible for determining whether a student will be accepted or denied access to school based on compliance with the juvenile's rehabilitation plan as it affects reintegration. Access may be denied until the Superintendent is satisfied that conditions have been met.

The school unit will comply with reintegration standards established by the Maine Department of Education. The Superintendent will be responsible for overseeing the transition of students from juvenile correctional facilities based on the following guidelines.

- A. Within ten days of receiving information from the Department of Corrections concerning the release of the juvenile offender, the Superintendent shall establish and convene a meeting of a reintegration team to review information received from the Department of Corrections, evaluate the student's individual educational needs, and determine what additional information may be relevant.
- B. The reintegration team shall include at a minimum the principal/designee of the school to which the student will be admitted, at least one classroom teacher to which the student will be assigned or who is involved in the school's student assistance team, the student's parent/guardian/custodian, and a guidance counselor. The student's juvenile correctional officer or other representative from the Department of Corrections may be invited to attend. Other members will be invited based on the student's specific identified needs.

[NOTE: Although not specifically provided for by law, we suggest that it would be reasonable to include the Director of Special Services and/or other professional personnel, as appropriate, in the reintegration team.]

- C. The reintegration team will determine, on the basis of need, which school employees should have access to information that would otherwise be considered confidential. The nature and extent of information provided should be limited to that needed to implement the student's reintegration plan and ensure the health and safety of the student, the safety of the school's students and staff, and the integrity of school property.
- D. The Superintendent/designee will be responsible for ensuring that confidentiality training, including a review of the school unit's policy and administrative

procedures pertinent to records from the juvenile criminal justice system, including the juvenile correctional facility, and to all student educational records under the Family Education Records and Privacy Act (FERPA), is provided to all school employees who have access to this information.

- E. Before the student enters school, at least one additional meeting of the reintegration team should be held to develop an individualized plan for the student's reintegration based on the student's educational needs and the options available within the school system. This meeting should include the student as well as the members of the reintegration team. The reintegration plan will address the student's educational program, participation in activities (including co-curricular and extracurricular activities), and access to school facilities (including transportation).
- F. Placement in grade, class, and/or school programs will be based on the student's abilities and academic achievement demonstrated in prior educational settings, including the student's stay at the juvenile correctional facility. The principal will be responsible for evaluating the student's transcript and portfolio from the juvenile correctional facility to assess progress toward meeting the content standards of the Learning Results. The principal may require the student to participate in additional tests or other demonstrations of skill or knowledge, consistent with the local assessment system, for the purpose of determining appropriate placement.
- G. The Superintendent/designee will be responsible for developing and implementing a process for monitoring and reporting a student's progress and compliance with the reintegration plan and for modifying the plan as needed.
- H. A student who violates Board policy or school rules will be subject to the disciplinary consequences described in policy, administrative procedures, and/or the student handbook/student code of conduct.
- I. The Superintendent/designee shall make any reports that may be required by the Department of Education concerning numbers of students entering the local school unit from juvenile correctional facilities.

Legal Reference: 20-A M.R.S.A. §§ 254(12), 1055(12), 2902(10), 4502(5)(O),
6001-B(1), 6001-B(2), 6001-B(3-A)
15 M.R.S.A. § 3009

[NOTE: 15 M.R.S.A. § 3308(7)(E) provides that when a juvenile has been charged with or adjudicated of a juvenile offense that involves the use or threatened use of physical force against a person, the District Attorney in the district where the charges were brought will provide certain information to the Superintendent (or designee) of the juvenile's school.

This information is limited to:

1. **The name of the juvenile;**
CAPE ELIZABETH SCHOOL DEPARTMENT

2. The nature of the alleged offense or offense;
3. The date of the alleged offense or offense;
4. The date of the petition (date charged);
5. The date of the adjudication, if applicable; and
6. The location of the court where the case was brought, if applicable.

By law, this information is *not* to become part of the student's educational record.

This information is to be regarded as confidential except as provided in 20-A M.R.S.A. § 1055(11). This statute requires the Superintendent to convene a *notification team* within ten days of receiving notice of an alleged or adjudicated juvenile offense. This team must include the administrator/designee of the school building where the student attends, at least one classroom teacher to whom the student is assigned, a guidance counselor, and the student's parent/guardian. The notification team is to determine on the basis of need which school employees are entitled to receive this information. The Superintendent "shall ensure" that confidentiality training is provided to all school employees who have access to this information.

Because this is a different issue from the reintegration of students who have been assigned to a juvenile correctional facility because they have been adjudicated as having committed one or more juvenile criminal offenses, we have chosen not to include language concerning notification teams in this policy. However, because of the confidentiality issues involved, Boards and Superintendents should be aware of the role of the Superintendent's responsibility and the role of the notification team.

As the composition of a specific notification or reintegration team depends upon the individual students (one student will have different teachers than another, for example) and because teams are convened only as needed, the teams are not static. While determining who should be on a team is an easy matter, the determination of who has the "need to know" and, therefore, should be given or have access to confidential information is not necessarily so easy. Boards and Superintendents should contact MSMA or their school attorney when questions concerning confidentiality arise.]

ADOPTED: June 9, 2009

**RELATIONS WITH LAW ENFORCEMENT AUTHORITIES
ADMINISTRATIVE PROCEDURE**

The following procedures are intended to guide the involvement of law enforcement authorities in the schools:

- A. Law enforcement officials may enter school premises:
1. In the event of an emergency endangering student or staff safety;
 2. At the request of the Superintendent/school administrators when they believe there is a substantial threat to the safety, health or welfare of the schools, students and/or staff;
 3. When there is a warrant to arrest a student which cannot be executed outside of school hours. School administrators are not obligated to make students or school facilities available to law enforcement for non-school-related investigations/arrest;
 4. In exigent circumstances as authorized by law.
- B. School Administrators shall attempt to contact the student's parents/guardians prior to allowing law enforcement authorities to interrogate, search or arrest a student at school, except when there are reasonable grounds to believe that a health or safety emergency requires the interrogation, search or arrest to take place without prior notice.
- C. Law enforcement authorities are responsible for ensuring that a student is informed of his/her rights prior to an interrogation, search or arrest conducted by law enforcement authorities.
- D. A student may be removed from school by law enforcement authorities when there is a court order, an arrest warrant or when a warrantless arrest is authorized by law. School administrators shall attempt to notify the student's parents/guardians as soon as possible of the student's removal from school.
- E. School administrators shall release student information to law enforcement authorities only as allowed by the Family Educational Rights and Privacy Act.

Cross Reference: JRA – Student Education Records
JIH - Questioning and Searches of Students

Adopted: December 11, 2012
Reviewed: November 18, 2014