

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.~~

~~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 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

1<sup>ST</sup> Reading: 5/12/15

Policy: JIH

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

Revised:

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

The purpose of this administrative rule is to provide ~~guidelines~~ procedures for the conduct of student questioning and searches by authorized school administrators pursuant to Policy JIH. ~~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~~ where there is a reasonable suspicion of 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 reasonable suspicion of a substantial threat to the safety, health and welfare of the schools, students or staff ~~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 Board rules, or is a reasonable suspicion of a substantial threat to the safety, health and welfare of the schools, students or staff ~~which in the reasonable judgment of school administrators represents a threat to the safety and welfare of the school population~~ 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.

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 and/or Board 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.
3. If a student fails to cooperate, lies, misleads, or threatens any person during questioning, he/she may be subject to additional disciplinary action<sup>[2]</sup>.

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

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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, school or Board rules, federal/state laws, or where there is a reasonable suspicion of a substantial threat to the safety, health and welfare of the schools, students or staff ~~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 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. ~~If a strip search appears to be necessary, law enforcement authorities shall be contacted.~~

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

**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.

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

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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 shall may open and search the items.

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

**D. 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 Board rules, or federal/state laws, and/or where there is a substantial reasonable suspicion of a substantial threat to the safety, health and welfare of the schools, students or staff 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 shall may open and search the items.

**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 reasonable suspicion arising from weapons or explosives of a substantial threat to the safety, health and welfare of the schools, students or staff, if he/she deems it advisable to maintain a safe and orderly school environment and/or to discourage drugs, weapons and/or other illegal substances or items from being brought onto school grounds.

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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~~ may 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.
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 ~~shall~~ may open and search the items.

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

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