

QUESTIONING AND SEARCHES OF STUDENTS

The School Board seeks to maintain a safe and orderly environment in the schools, and in all school related activities. Principals, Assistant Principals, and Director of the REAL School, or their designee are authorized to question and/or search students in accordance with this policy and accompanying administrative procedures.

Students may not bring, possess or store at school any items or substances which are prohibited by law, Board policies and/or school rules, or which interfere with the operations, discipline or general welfare of the school.

Students 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. Principals, Assistant Principals, Director of the REAL School, or their designee have the authority to inspect and search storage facilities and their contents, including vehicles in the parking lots, on a random basis, with or without reasonable suspicion, and without notice or consent. Canine patrol, using dogs trained to detect drugs and/or weapons may be used.

If a search produces evidence that a student has violated or is violating the law, Board policies and/or school rules, such evidence may be seized and impounded by the Principal/Assistant Principal, Director of the REAL School, or their designee and appropriate disciplinary action may be taken. Evidence may be forwarded to law enforcement authorities as required by law or as deemed appropriate by the Principal/Assistant Principal, Director of the REAL School, or their designee. Parents/Guardians will be notified as soon as possible that a search was conducted.

School staff, students and parents shall be informed of this policy on an annual basis through handbooks and/or other means selected by the Principal/Assistant Principal.

The Superintendent is authorized to develop and implement, with input from legal counsel, administrators, staff and others as appropriate, any administrative procedures necessary to carry out this policy. Such administrative procedures shall be subject to Board approval.

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

Adopted: December 15, 1999

REVISED: November 17, 2004 (Second Reading Waived)

WINDHAM SCHOOL DEPARTMENT

QUESTIONING AND SEARCHES OF STUDENTS ADMINISTRATIVE PROCEDURE

The purpose of this administrative procedure is to provide guidelines for the conduct of student questioning and searches by school administrators or their designee. These are guidelines only and may be adjusted within reasonable and lawful limits on a case-by-case basis.

- A. Questioning by Principals, Assistant Principals, Director of the REAL School, or their designee
 - 1. Principals, Assistant Principals, Director of the REAL School, or their designee 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. If law enforcement officers are involved, refer to policy KLG – Relations with Law Enforcement Authorities.
 - 2. Principals, Assistant Principals, Director of the REAL School, or their designee shall inform the student of the reasons for the questioning and provide an opportunity for the student to respond to any allegations. The Principal, Assistant Principal, Director of the REAL School, or their designee 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.

- B. Searches of Students and/or Personal Property in Students' Immediate Possession
 - 1. Principals, Assistant Principals, Director of the REAL School, or their designee are authorized to search students and/or personal property in the students' immediate possession when, in their judgment, there are reasonable grounds to suspect that a student has violated or is violating the Board policies, school rules and/or federal/state laws.
 - 2. All searches of students and/or personal property shall be authorized and conducted by a Principal, Assistant Principal, Director of the REAL School, or their designee in the presence of a witness, except where the circumstances render the presence of a witness impractical.
 - 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 the student's outer clothing (e.g., pockets, jacket, shoes, hat) and personal belonging (e.g., purse, backpack, gym bag, lunch bag). If the search discloses evidence, a broader search may be justified.

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.
5. Principals, Assistant Principals, Director of the REAL School, or their designee are required to document all searches and items seized/impounded on the Student Search Checklist or by another reasonable method.

C. Searches of Lockers, Desks and Other School Facilities

1. School staff, students and parents shall be informed of this policy/procedure on an annual basis.
2. Principals, Assistant Principals, Director of the REAL School, or their designee shall consult with the Superintendent prior to conducting random searches.
3. 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.
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.
5. Principals, Assistant Principals, Director of the REAL School, or their designee are required to document all searches and items seized/impounded on the Student Search Checklist or by another reasonable method.

D. Canine Patrol

1. Canine patrol, using dogs trained to detect drugs and/or weapons, may be used to identify individual lockers, or cars in the parking lots, to be searched by school officials. Canine patrols will be conducted pursuant to Canine Patrols/Searches Procedure. Authority to approve such patrols and the resulting searches is reserved to the superintendent.

E. Patrolling of Parking Lots

1. Students may drive vehicles to school and park in designated areas in accordance with school rules. Principals, Assistant Principals, Director of the REAL School, or their designee retain the authority to patrol parking lots, including Canine Searches.
2. If the Principal, Assistant Principal, Director of the REAL School, or their designee have a reasonable suspicion that a vehicle which a student has parked at school contains evidence that the student has or is violating a federal/state law and/or there is a substantial threat to the welfare and safety of the schools, law enforcement authorities will be requested to render assistance in accordance with Board policy KLG – Relations with Law Enforcement Authorities.

F. Involvement with Law Enforcement Authorities

1. Principals, Assistant Principals, Director of the REAL School, or their designee, have the discretion to request the assistance of law enforcement authorities in accordance with Board policy.

Cross Reference:	JIH-E	Student Search Checklist
	JIH-P	Canine Patrols/Searches -- Procedure
	KLG	Relations with Law Enforcement Authorities

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REVISED: November 3, 2004 – First Reading

REVISION ADOPTED: November 17, 2004

WINDHAM SCHOOL DEPARTMENT

FILE: JIH-E

STUDENT SEARCH CHECKLIST

This checklist is to be completed for each individual student search incident as soon as possible after the search.

Name/Title of Person Performing Search and Completing Form: _____

Date: _____

- 1. Who was searched?
2. Date, Time, and Location of search
3. What factors caused you to have a reasonable suspicion that a search of this student or the student's possessions would provide evidence that the student has violated or is violating the law, Board policies or school rules?
4. Was student's consent requested? Given? Date: Time:
5. What was searched (i.e., person, personal belongings, storage facilities, automobile)?
6. Witness(es) to search
7. What did the search yield? Date: Time:
8. Were police notified? Date: Time:
9. Was any evidence released to police?
10. Were parents/guardian notified of the search, including the reasons and the scope?
11. Other relevant facts (if any)

Signature of Person Performing Search and Completing Form: _____

Note: If search resulted in school disciplinary action and/or referral to law enforcement, this form should be retained in student's file. If search did not result in disciplinary action, this form should be retained in separate file in school or superintendent's office.

CANINE PATROLS/SEARCHES -- PROCEDURE

The following procedures will be observed when conducting canine patrols and resulting searches of student lockers and their contents, or a student's vehicle and its contents:

1. The superintendent will authorize, in writing, the principal to coordinate with law enforcement agencies to arrange for a canine patrol to be completed.
2. The patrol will be scheduled to minimize disruption of the academic program. Dogs will be brought into the school at a time and place that minimizes the risk of contact with the students.
3. Teachers will be notified immediate prior to the initiation of the canine patrol, and will keep students in their rooms during the patrol.
4. Any locker, property, or vehicle identified by dogs will be noted by the school administrator accompanying the patrol.
5. After all lockers have been scanned, the dogs will be removed from the building.
6. Immediately following removal of the dogs, each locker, property or vehicle noted during the canine patrol will be searched. Each search will be conducted by a team of two staff members.
7. If practical, the student who was assigned the locker, property or vehicle should be present during the search. If the student is present, any closed items may be removed to a more private location before being searched. The student may be given the opportunity to open any closed items or those items that are not easily accessible to visual search. If the student refuses, the administrator shall open and search the items.
8. Anything found during the search which is illegal, violates school policies or regulations, or which in the reasonable judgement of school officials represents a threat to the safety and welfare of the school population may be seized. The seizure shall comply with the following guidelines:
 - a. Items which are illegal will be turned over to law enforcement officials. Other items seized will be secured under lock and key.
 - b. The administrator conducting the search shall prepare a written report covering who, what, when, where and why items were seized. The report will also indicate the disposition of the items. Copies of the report will be provided to the student, parent/guardian, and superintendent.