

## **SEARCHES AND INTERROGATIONS**

### I. General Authority to Search

The Berlin Central School District Board of Education recognizes that serious American social problems, including the ready availability of weapons, the possession and use of illegal drugs, lack of appropriate parental support and supervision and the random occurrence of violence have resulted in violence in many of this nation's schools. Berlin schools are not immune to these problems, the seriousness of which threatens student and staff health and safety, and jeopardizes the District's ability to educate its students.

Cognizant of the need for school staff to deal swiftly and effectively with such problems in order to maintain respect for law and to preserve a civil and orderly environment for teaching and learning in the school, the Board authorizes the Superintendent of Schools, principals, and assistant principals to conduct searches of pupils and their possessions for illegal matter, or other matter that constitutes a threat to the health, safety, welfare, or morals of pupils attending the school.

In the exercise of the authority created or acknowledged herein, officials of the District shall make every effort to: protect each student's fundamental constitutional rights to personal privacy and protection from coercion; emphasize that schools are educational and not penal institutions; and resolve any doubt arising in the context addressed herein in the student's favor.

### II. Reasonable Suspicion

In authorizing such searches the Board acknowledges both state and federal constitutional rights that are applicable to personal searches of pupils and searches of their possessions (e.g., handbags, pocket contents, book bags, etc.). Therefore no such search shall be conducted except upon reasonable individualized suspicion.

### III. Strip Searches

The Board recognizes the highly intrusive character of a search that requires a pupil to remove all of her/his clothing. District employees and personnel shall not engage in a strip search of a student.

### IV. Notice to Students Regarding Expectation of Privacy in Lockers

Pupils shall be informed by the Superintendent or her/his designee that school lockers are not students' private property, that they are instead the property of the District, and that as a consequence students' lockers may be opened and inspected by school officials from time to time without prior notice to students.

V. Interrogation of Students by Police

The Board establishes that District personnel shall cooperate with law enforcement agencies in the conduct of their work. The Board recognizes, however, that police do not have a general power either to interview students in school or to use school facilities in connection with police department work. Nevertheless, the Board establishes that law enforcement officers may enter the schools of the Berlin Central School District if a crime has been committed on school property, or if they have a warrant for arrest or search, or if they have been invited onto school property by school officials.

Whenever police are duly on school property and wish to interview a student in the school, that student shall be afforded the same rights she/he has outside of school. The student shall be informed of her/his legal rights, may remain silent if she/he so desires, may request the presence of an attorney, and must be protected from coercion and illegal restraint.

VI. Child Protective Services Investigations

Child Protective Services may desire to conduct interviews of students on school property. In that such interviews generally pertain to allegations of suspected child abuse or neglect, the Board encourages its administrative and other professional personnel to cooperate with Child Protective Services in accordance with applicable portions of the Social Services Law.

VII. Regulations

The Superintendent of Schools shall establish regulations regarding personal searches of students. These regulations shall be in accordance with law and this policy.

References

U.S. Constitution, Amendment IV  
New Jersey v. T.L.O., 469 US 325 (1985)  
M.M. v. Anker, 607 F.2d 588 (2d Cir. 1979)  
People v. Scott D., 34 N.Y.2d 490 (1974)  
Matter of Gregorv M., 82 N.Y.2d 589(1993)  
Social Services Law Sec. 425  
Education Law Sec. 414  
Opinion of Counsel, I EDR 766 (1952)  
Opinion of Counsel, I EDR 800 (1959)