

STUDENT SEARCHES AND INTERROGATIONS REGULATIONS

The following administrative rules are established in order to regulate the conduct of searches and interrogations of students in the Berlin Central School District by school officials or other public authorities.

- I. Reasonable Individualized Suspicion Required to Search. Pursuant to Board of Education policy, a student in the Berlin Central School District may be subject to a personal search of her/his possessions where there is reasonable individualized suspicion of the need to conduct such a search.
- II. Staff Authorized to Conduct Student Searches. As duly authorized by the Board of Education, the Superintendent of Schools, the building principal, dean of students and the school nurse are authorized to conduct a student search.
- III. Promptness of Conduct of Student Searches. A student search based upon the reasonable belief, supported by an articulate rationale, that the health or safety of staff, students, or other persons, or the integrity of school property, is seriously and immediately threatened may be conducted with as much speed as is required to protect persons and property.
- IV. Reasonable Individualized Suspicion Required to Search.

A. REASONABLE INDIVIDUALIZED SUSPICION GENERALLY

In order to conduct the search of a student or her/his possessions, there shall be a reasonable individualized suspicion by a party authorized by Board policy to conduct a search. The scope of any search of a student shall be based upon the following criteria: the student's age; the student's history and record in school, if any; the prevalence and seriousness of the problem to which the search is directed; the nature of the urgency that necessitates an immediate search; and the probative value and the reliability of information that is used as the justification for the search.

B. INFORMATION RECEIVED FROM AN INFORMANT

Information received from an informant other than an employee of the District shall be considered reliable, and therefore as a basis for the formation of reasonable suspicion, if that person: has previously supplied District personnel with information that was accurate when verified; or, in providing information, has made a declaration against her/his own penal interest; or if the same information is received from more than one informant.

- V. Request to Search: Student Consent to Be Sought First. Any request that a student or a student's possessions be searched shall be made to the Superintendent of Schools or the building principal. The administrator to whom the request is made shall attempt, first of all, to obtain an admission from the student that she/he is in possession of illegal material; failing that; the administrator shall attempt to obtain the student's voluntary consent to being searched. Any search conducted shall be limited to the extent necessary to locate the illegal material.
- VI. Where Searches Shall Occur. To the extent practicable, any search of a student shall be conducted in the privacy of administrative or nurse's offices.
- VII. Student to Be Present for Search of Possessions. Whenever the possessions of student are being searched, the student whose possessions they are shall be present for the search.
- VIII. Conduct of More Intrusive Searches.

A. NOTIFICATION OF PARENT OR GUARDIAN

As provided in Policy 5.340-01, District employees and personnel shall not engage in a strip search of a student. However, whenever it is determined by an appropriate school official that it is necessary to search a student in a manner that requires that she/he remove any article of clothing, with the exception of an outer jacket, coat, or other outer garment, that official or her/his designee shall first attempt to notify the student's parent or guardian by telephone. If no telephone contact can be made with the student's parent or guardian, before the end of that school day, the parent or guardian shall be notified in writing by the administrator of the need to conduct the search.

B. CONSULTATIONS PRIOR TO INTRUSIVE SEARCH

Except when there is reasonable cause to believe that an emergency situation exists, such as when a student is reasonably suspected of concealing a dangerous weapon, no intrusive search as herein described shall be conducted unless there has been prior consultation with the school District's attorney, or, in case the attorney is unavailable, with the Superintendent of Schools or her/his designee.

C. SEARCHER AND WITNESS OF SAME SEX AS STUDENT SEARCHED

Any such search shall be conducted only by a school administrator or a School Nurse of the same sex as the student who is being searched, and only in the presence of at least one professional employee of the District who is the same sex as the student being searched.

IX. Written Records to Be Made of Student Searches.

A. GENERAL REQUIREMENT FOR WRITTEN RECORDS

It shall be the responsibility of the Superintendent or the acting building principal to make a written record of each student search that is conducted. Such record shall state: (i) the reason or reasons for the search; (ii) the information received that established the administrative justification for the search; and, where appropriate, (iii) the name of any informant from whom information was received.

B. RECORDS OF EYEWITNESS ACCOUNTS

In recording information received from eyewitnesses, records shall include the following information: (i) the name of the eyewitness; (ii) the date, time, and place at which the event reported was witnessed; and (iii) a detailed description of the events and items or materials that the eyewitness saw.

C. RELIABLE SOURCE RECORDS

In recording information taken from a reliable source informant, as that term is defined in 4.B, above, records shall include the following information: (i) the name of the informant; (ii) the time at which the information was received; (iii) the circumstances of how the information was received; (iv) who received the information; and (v) what, in detail, the information actually was.

D. OBSERVATION OF SUSPICIOUS BEHAVIOR

In recording direct observations by District staff members of what is deemed to be suspicious behavior, records shall include the following information: (i) the name and position of the observer; (ii) the time and place that the behavior was observed; (iii) what, in detail, was observed; and (iv) the reason for deeming the behavior that was observed to be suspicious.

E. RECORDS OF SEARCHES ACTUALLY CONDUCTED

In recording what transpired in the course of conducting a student search, records shall include the following information: (i) name and age of the student searched; (ii) item or items being searched for; (iii) circumstances contributing to the exigency of conducting a search, (iv) name(s) and title(s) of person(s) conducting the search; (v) name(s) and title(s) of witness(es) to the search; (vi) materials found in search, if any; (vii) disposition of materials found in search; (viii) results of effort at telephone notification of parent; and (ix) copy of letter to parent or guardian, if necessary, notifying the parent or guardian of the District's unsuccessful attempt to contact her/him by telephone prior to conduct of the search.

- X. Custody and Control of Material Seized In A Search. Custody, control, and disposition of any material, including any illegal or dangerous material or matter, that is seized from a student in the course of or as the result of a search of that student or her/his possessions shall be the responsibility of the Superintendent or the building principal. The material seized shall remain in custody and control of such administrator, unless the material is delivered over to police authorities. It shall be the responsibility of the Superintendent or building principal to deliver over to police authorities any such material seized.
- XI. No Reasonable Expectation of Locker Privacy for Students. To ensure that students do not assume that they have an expectation of privacy in their school lockers, the Superintendent of Schools or her/his designee, shall give written notice to each student, that student lockers, desks, and other storage areas in District schools are District property and subject to inspection at any time by officials of the school District.
- XII. Limitation on Police Use of and Entry Upon School Premises. No police officer may enter the Berlin School, or any property held the Berlin Central School District Board of Education, for the purpose of interrogating, searching, or conducting formal investigations of any student or group of students, unless that officer has either a warrant for search or arrest, or a crime has been committed on school property, or that officer has been invited by school officials.

XIII. Police Conduct of Student Search.

A. WARRANT OR PROBABLE CAUSE REQUIRED

No police officer shall be allowed by District personnel to perform a student search except when such a search is authorized by a search warrant, evidence of which shall be demanded by said District personnel, or upon demonstration of probable cause to establish that an illegal act is being committed on school property.

B. PARENT CONTACT WHEN PRESENTED WITH SEARCH WARRANT

Whenever a police officer presents a search warrant to a school administrator preparatory to searching a student, the parent contact rules set forth at 8.A, above, shall be wholly applicable.

XIV. Police Interrogation of a Student. Whenever a police officer has properly entered a school building and states a desire to interrogate a student, the parent contact rules set forth at 8.A, above, shall be wholly applicable. The student's parent or guardian shall be present at the interrogation, if practicable. The Superintendent or the building principal, or another administrator designated by the Superintendent or the principal, shall likewise be present during any interrogation of any student on school property.

XV. Child Protective Services Investigation. In the course of performing its legally mandated functions, the Department of Social Services, Child Protective Services (CPS) may from time to time desire to interview students on school property. CPS interviews would ordinarily pertain to allegations of child abuse, and would be conducted on school property in order to ensure that the child is interviewed in a neutral and non-threatening environment. The following guidelines shall apply to all such interviews.

A. APPLICATION OF THESE REGULATIONS TO C.P.S. INTERVIEWS

This administrative regulation shall apply to all interviews requested by the Department of Social Services, CPS, as it pertains the CPS's investigations regarding a student. Such investigation shall include, but shall not be limited to, suspected child abuse, suspected child neglect, and child custody investigations.

B. SUPERINTENDENT OF SCHOOLS FINAL AUTHORITY FOR INTERVIEWS

All requests by CPS to interview a child on school premises shall be made directly to the Superintendent of Schools.

C. SUPERINTENDENT OF SCHOOLS TO DESIGNATE TIME & PLACE OF INTERVIEW

The Superintendent shall designate the time and place for any such interview that is to be conducted on school premises. The determination of the interview's time and place shall be at the sole and final discretion of the Superintendent.

D. SUPERINTENDENT OR DESIGNEE TO ATTEND AT C.P.S. INTERVIEWS

Any CPS interview that is conducted on school premises shall be attended by the Superintendent of Schools or her/his designee. The Superintendent's ordinary designee for such interviews shall be the School Nurse, although the Superintendent may reserve to her/himself the right to attend, or to designate a different staff member than the School Nurse.

E. DISTRICT TO REASONABLY ACCOMMODATE C.P.S. INTERVIEW REQUESTS

The purpose of these regulations is to protect students. Toward that end, the District shall make all reasonable efforts to accommodate requests by the Department of Social Services, CPS, to conduct such interviews as may be necessary for the performance of its statutory tasks.