

STUDENT INTERROGATIONS, SEARCHES, AND ARRESTS

SEARCHES BY STAFF

The right of inspection of students' school lockers is inherent in the authority granted school boards and administrators. Lockers are the property of the Todd County School District and the school district has the right of access to these lockers at any time for any reason. The authority may be exercised as needed in the interest of safeguarding children and school property.

Whenever school authorities have any cause to believe that articles may be in a locker, desk, or other storage space which constitute contraband or are in violation of a school rule, a search will be made.

The following rules apply to the search of school property assigned to a specific student (locker, desk, etc.), and the seizure of items in his/her possession:

1. there should be reasonable cause for school authorities to believe that articles are kept in the locker, desk, or other storage space whose possession constitutes a crime or rule violation;
2. search of an area assigned to a student should be for a specifically identified item, and should be conducted in his/her presence and with his/her knowledge;
3. general housekeeping inspection of school property may be conducted with reasonable notice; and
4. illegal items or other possessions reasonably determined to be a threat to the safety or security of others may be seized by school authorities at any time.

Searches of a student's person, his/her personal possessions, or motor vehicle are permissible by school officials, in the presence of an adult witness of the same sex as the student or students in question when they have a reasonable basis for believing that the student is concealing materials, the possession of which is prohibited by federal, state, or local law or the provisions of Board Education policies.

On occasion, as a measure of prevention, the school administration may have the law enforcement do a “drug dog” demonstration and search of the school lockers and school premises.

SEARCHES OF STUDENT PROPERTY BY POLICE

A proper search warrant is required for any search of a student’s personal property kept on school premises; however, upon notification to the administration, if the police have reason to believe any item that might pose an immediate threat to the safety or security of others, or illegal substance, is kept in a student locker, desk, motor vehicle, or other storage space, searches may be conducted without a previously issued warrant.

INTERROGATIONS BY POLICE

It is the responsibility of the school administration to make an effort to protect each student’s rights with respect to interrogations by law enforcement officials. The school district has physical custody of students during the school day and during the hours of approved extracurricular activities. School authorities stand *in loco parentis* to the students and thus have responsibility regarding the circumstances under which access to students is allowed:

1. when law enforcement officials find it necessary to question students during the school day or periods of extracurricular activities, the school principal or his/her designee shall be present when possible; an effort shall be made to contact the parent/other adult having custody of the child so that the responsible individual may be notified of the situation;
2. if custody and/or arrest is involved, the principal shall request that all procedural safeguards, as prescribed by law, will be observed by the law enforcement officials;
3. parents or guardians will not be contacted in child abuse or other interrogations if the law enforcement official requests confidentiality; and
4. if custody and/or arrest is involved, an effort will be made to contact the student’s parent or guardian.

ADOPTED: April 18, 1983

REVISED: June 13, 1994

REVISED: December 13, 1999

REVIEWED: August 24, 2015