

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 the Superintendent as well as the building principal and assistant principal. These are guidelines only and may be adjusted within reasonable and lawful limits on a case-by-case basis. If, at any time during the search and seizure process, a designated administrator feels a threat is imminent to any student or other personnel, law authorities are to be contacted immediately.

A. Questioning by the Superintendent, principal and/or assistant principal.

1. The Superintendent, principal, and assistant principal are under no obligation to notify a student's parents/guardians prior to questioning a student regarding alleged violations of Committee policies, school rules and/or federal/state laws. If law enforcement officers are involved, refer to policies KLG and KLG-R – Relations with Law Enforcement Authorities and Procedures.
2. The Superintendent, principal, and assistant principal shall inform the student of the reasons for the questioning and provide an opportunity for the student to respond to any allegations. The Superintendent, principal, or assistant principal 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 or after questioning, he/she may be subject to additional disciplinary action.
4. School Administrators are required to document all searches and items seized or impounded. The Superintendent and the parents of the students involved shall be provided with a copy of such report (JIH-E).

B. Searches of Students and/or Personal Property in Students' Immediate Possession

1. The Superintendent, principal, and assistant principal 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 Committee policies, school rules and/or federal/state laws anywhere on the Milford School Department grounds and buildings, or any location where the student's conduct affects the operations, discipline or general welfare of the school.
2. All searches of students and/or personal property shall be authorized and conducted by a school administrator designated herein, 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 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 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 and the designated administrators herein have a reasonable suspicion of the presence of evidence; the administrator at his/her discretion may call a law enforcement agency.

4. Searches by designated administrators which disclose evidence that a student has violated Committee 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 and/or seized by law enforcement authorities for possible investigation/prosecution. If so, law enforcement authorities shall be contacted.
5. School administrators are required to document all searches and items seized/impounded on the Student Search Form, JIH-E.

C. Searches of Lockers, Desks and Other School Facilities

1. Building principals or assistant principals shall consult the Superintendent prior to conducting random searches. Students have no expectation of privacy in school 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 the student and a witness, if practicable under the circumstances of 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 open and search the items.
3. Any search which discloses evidence that a student has violated Committee policies or school rules will be addressed through school disciplinary procedures. Evidence of violation of federal/state laws shall result in school disciplinary action and be forwarded or seized by law enforcement authorities for possible investigation/prosecution.
4. School administrators are required to document all searches and items seized/impounded on the Student Search Form or by another reasonable method.

D. Procedure for Parking Lot Patrols and Vehicle Searches

The following procedures should be observed when conducting parking lot patrols and resulting searches of student vehicles and their contents:

1. Students may bring bicycles, scooters and/or similar conveyances to school and leave them in designated areas in accordance with school rules. School administrators retain the authority to patrol in these areas.

2. If school administrators have a reasonable suspicion that a conveyance which a student has left 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.

E. Canine Patrols of Lockers and Student Parking Lots

1. The Superintendent may authorize canine patrols of school lockers and/or student conveyances in school parking lots if he/she deems it advisable to maintain school safety or if there is a reasonable suspicion that drugs and/or weapons will be found.
2. The Superintendent (or designee) must make requests for canine patrols in writing to the Police. Only canines and handlers certified by the Maine Criminal Justice Academy may be used.
3. Whenever possible, canine patrols shall be scheduled to minimize disruption of the academic program and risk of contact with students.
4. Teachers shall 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 school grounds prior to a canine patrol shall be instructed to report to the school office or appropriate classroom.
5. All lockers shall be scanned during a canine patrol. Any locker or conveyance identified by the canine patrol shall be noted by the school administrators accompanying the patrol.
6. After all lockers have been scanned, the dog(s) shall be removed from the school premises.
7. Immediately following the removal of the dogs, each locker identified by the canine patrol shall be searched by school administrators in accordance with Section C and/or D of this procedure. Law enforcement authorities shall not participate in such searches except under exigent circumstances.

F. Involvement of Law Enforcement Authorities

1. School authorities have the discretion to request the assistance of law enforcement authorities in accordance with Milford School Committee policy.

G. Procedures for Searching Lockers

1. Any locker suspected, due to reasonable suspicion, plain view inspection or canine inspection, to contain contraband shall be searched. Each search will be conducted by a team of two staff members, at least one of whom will be a designated administrator, and the law enforcement officers present.

2. Any search which discloses evidence that a student has violated Committee 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 or seized by law enforcement authorities for possible investigation/prosecution.

H. Questioning for the Purpose of Fact Finding

1. The administration reserves the right to have the school's attorney present during questioning of student witnesses for the purpose of fact finding when there is no suspicion of the student's culpability in the incident(s).

Information gained during the interview is for the school's use only and may not be shared with other parties without parent notification. If the student meets with the school attorney, as a witness, an administrator must be present. The parent or guardian will be contacted after the interview. At the onset of the meeting the student will be informed that he/she is a potential witness and can refuse to answer. If all parties agree, a tape recording of the meeting will be made. In the absence of agreement to tape recording, the administrator will take notes during the meeting.

Adopted: 5-14-12