

SEARCH, SEIZURE, AND INTERROGATION OF STUDENTS BY SCHOOL PERSONNEL

The Orleans Central Supervisory Union seeks to provide a safe learning environment, maintain school property to assure the safety and enjoyment of students, school employees, and the general public, and extend the useful life of the school facilities.

To carry out this policy the school retains the right to examine its property at any time. In addition, school officials may search students and search or seize student property upon reasonable grounds for suspecting that the search will reveal evidence of a violation of law or a school rule. In evaluating the reasonable grounds for a search, the school officials should consider the reliability of the information he or she has received, the availability of corroborating evidence, the severity of the suspected infraction, and the intrusiveness of the search to be carried out.

Copies of this policy will be distributed to students when they enroll in school, and will be included in the student handbook given to students and parents at the beginning of each school year. This policy is meant to explain the legal rights of the school district, but is not meant to limit them in any way.

Searches and Seizure of School Property

Desks, lockers, textbooks, computers, and other materials or supplies loaned by the school to students remain the property of the school, and may be opened and inspected by school employees at any time. When prohibited items are found in school property they will be confiscated and a report will be made to the Principal who will determine whether further investigation is warranted.

Search and Seizure of Student and Student Property

Searches of students' persons, personal effects and vehicles may be conducted where there are reasonable grounds for suspecting at the time of initiating the search that the search will reveal evidence of a violation of law or of school rules. The scope of the search must be reasonably related to the objectives of the search and not excessively intrusive in light of the student's age and sex and the nature of the infraction.

A search of a student's person will be conducted by a school employee of the same sex and, whenever possible, in the presence of another school employee. A strip search is overly intrusive for the purpose of most student searches. A strip search will be conducted only after consultation with the school district's legal counsel.

Students who participate in competitive extracurricular activities may be required to submit to drug testing by the school as a condition of participation in those activities even without a particularized suspicion of drug use. If the school district decides to implement such a drug testing policy, it will adopt specific procedures for that purpose.

Interrogation of Students

School district employees may detain students to question them regarding violations of law or school rules if reasonable in light of the possible infraction and the degree of suspicion. School officials may act on information related to violations received from outside law enforcement personnel. School officials are not required to notify parents of interrogations of students.

ORLEANS CENTRAL SUPERVISORY UNION POLICY MANUAL

The School Resource Officer is not considered a school district employee for the purpose of interrogations.

Date Warned: March 17, 2005

Date Adopted: July 14, 2005

Date Reviewed: November 28, 2012

Legal Reference(s): *Safford Unified School District #1 v. April Redding*, 77 U.S.L.W. 4591 (U.S. Supr. Ct. 2009)
New Jersey v. T.L.O., 469 U.S. 325, 105 S. Ct. 733 (1985)
Vernonia School District v. Acton, 515 U.S. 646, 115 S. Ct. 2386 (1995)
Board of Education v. Earls, 122 S. Ct. 2559 (2002)
Doe v. Little Rock School District, 380 F.3d 349 (8th Cir. 2004)
Phaneuf v. Fraikin, No. 04-4783 (2d Cir. May 19, 2006)
Wofford v. Evans, 390 F.3d 318 (4th Cir. 2004)
Shuman v. Penn Manor School Dist., 422 F.3d 141 (3d Cir. 2005)
In re Randy G., 110 Cal. Rptr. 2d 516 (Cal. 2001)

Cross References:

Interrogation or Searches of Students by Law Enforcement Officers or Other Non-School Personnel (F4)

Student Conduct and Discipline (F1)

Student Alcohol and Drug Policy (F7)