**GUILDERLAND**

**5300.60-R**

**CODE OF CONDUCT**

**SEARCHES AND INTERROGATIONS REGULATION**

1. Pursuant to Board policy, students may be subject to searches of their possessions where reasonable individualized suspicion exists to conduct such search.

2. Searches may be conducted by the Superintendent of Schools, a Building Principal, Assistant or House Principals and always in the presence of another staff member.

3. A search based upon the reasonable belief that the health or safety of those in our schools is seriously and immediately threatened may be conducted with as much speed as is required to protect persons and property.

4. The request for a search of a student’s possessions shall be directed to the Building Principal or Assistant or House Principal, who shall attempt to obtain a voluntary admission from the student of possession of the illegal matter or matter which otherwise constitutes a threat.

1. In the event that a voluntary admission is not forthcoming, and the administrator still believes there is reasonable cause, they shall attempt to obtain voluntary consent to the search.

6. Whenever practical, the student should be present when their possessions are being searched.

7. School officials are not authorized to conduct intrusive searches (i.e., a search which requires a staff member to touch a student’s person, or a search which requires a student to remove any or all clothing, with the exception of a search of outer coats and jackets).

8. School officials will attempt to notify parents/guardians by telephone in the event that a search has been initiated.

9. When in the judgment of the authorized administrator, there is probable cause to believe that students and/or staff are threatened, and the suspected student(s) will not cooperate, the authorized administrator shall notify public safety officials to conduct an investigation within the limits of the law.

10. The authorized administrator shall be responsible for the custody, control and disposition of any illegal or dangerous matter taken from a student. They will remain in control of such substance or objects unless the same are delivered to police authorities whereupon it shall be the responsibility of said authorized administrator to personally deliver such matter to police authorities.

11. Students have no reasonable expectation of privacy rights in school lockers, desks or other school storage places, and the school exercises overriding control over such school property. In addition, personal vehicles on school property may be searched upon reasonable suspicion of a violation of the code of conduct***.*** Through the student handbook, the Building Principal shall give notice to all students that lockers, desks and other school storage places may be subject to inspection at any time by school officials.

12. No police officer may enter the schools of the district for the purposes of interrogating, searching or conducting formal investigations of students unless possessing a warrant for arrest or search, or unless a crime has been committed or is being committed on school property.

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13. No police officer shall be allowed to perform a student search unless authorized by a search warrant or upon demonstrating probable cause to establish that the commission of an illegal act is occurring on school premises. In the case of a police officer presenting a search warrant, the authorized administrator shall first attempt to inform the parent or guardian of the police demand to search in order to afford the parent or guardian an opportunity to be present at the search. In the event that the parent or guardian cannot be contacted prior to a police search, the parent or guardian shall be informed of the search in writing by the authorized administrator as soon thereafter as is practical.

14. When police have properly entered the school and desire to interrogate a student, the authorized administrator shall first attempt to notify the parent or guardian of the student involved by telephone prior to any such interrogation or by telephone or in writing after the fact if the parent or guardian could not be reached beforehand. If possible, the student’s parent or guardian should be present. An appropriate staff member as designated by the authorized administrator, shall also be present during any interrogation of a student by police on school property.

1. An involved student and/or their parent/guardian who feels that the above regulations have been abridged or that the application was overly zealous may submit a written complaint which states the particulars to the Office of the Superintendent of Schools. The Superintendent or designee shall conduct an investigation, render a statement of findings, and shall take appropriate action if warranted.

*Factors*

The following factors should be considered in order to determine whether reasonable individualized suspicion exists with regard to a search of a student’s possessions:

1. Eyewitness accounts

Note: by whom

date/time

place

detailed description of events/items witnessed

2. Information from a reliable source

Note: from whom

time received

how information was received

who received information

complete summary of information

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3. Suspicious behavior: describe behavior and explain suspicions

Note: Regulation added

Reviewed October 5, 1999

Reviewed December 13, 2011

(Policy # changed 2015-16 Year from 5330-R)

Revised, Reviewed: