

In recognition of certain societal problems which present themselves from time to time in our schools, the Board of Education authorizes the Superintendent of Schools, Building Principals and Assistant Principals to conduct searches of students and their possessions for illegal matter or matter which otherwise constitutes a threat to the health, safety, welfare or morals of students attending our schools.

In authorizing such searches, the Board acknowledges both state and federal constitutional rights which are applicable to personal searches of students and searches of their possessions (e.g., pocket contents, bookbags, handbags, electronic devices, etc.). Such searches shall not be conducted unless founded upon reasonable individualized suspicion.

Students shall be informed by the Administration that school lockers are not their private property but the property of the District and that as such may be opened and subject to inspection from time to time by school officials. While recognizing the right to inspect student's school lockers without the necessity of obtaining students' consent is inherent in the authority granted school boards and administrators, school officials will exercise every safeguard to:

- protect each student's constitutional rights to personal privacy and protection from coercion;
- emphasize that schools are educational rather than penal institutions; and
- resolve any doubts in the student's favor.

Interrogation of Students by Police

It is the policy of this district to cooperate with law enforcement agencies. While police do not have a general power to interview children in schools, or to use school facilities in connection with police department work, the police may enter the schools of the district if a crime has been committed on school property, if they have a warrant for arrest or search, or if they have been invited by school officials.

When police have properly entered the school and desire to interview students in the school, the students must be afforded the same rights they have outside the school. They must be informed of their legal rights, may remain silent if they so desire, may request the presence of an attorney and must be protected from coercion and illegal restraint. Within the framework of their legal rights, students have the responsibility to cooperate with the police.

Temperature Checks

In keeping with the District's commitment to promoting a safe learning environment, authorization is given for school administrators, school health personnel, or their designee to take a student's temperature upon entry into a school building and at all school sponsored events and activities, whether conducted on or off school grounds.

The District reserves the right to require, as a condition of attendance at school or school sponsored events and activities, that a student's temperature be taken upon entry into the school building. Consent by the student and the parent to such testing is confirmed by acknowledgment of the student's receipt of the Code of Conduct. Students who do not cooperate, or whose temperature exceeds allowable limits, will be required to leave school or the activity immediately in the custody of his/her parent or guardian.

Child Protective Services' Investigations

From time to time, Child Protective Services (CPS) may desire to conduct interviews of students on school property. Such interviews generally pertain to allegations of suspected child abuse and/or neglect. The District will provide data and assistance to Child Protective Services and their multi-disciplinary team in accordance with applicable Social Services Law. CPS workers and members of the multi-disciplinary team must comply with the District's procedures for visitors,

provide identification and identify the child(ren) to be interviewed.

The Superintendent of Schools shall establish regulations regarding personal searches and interrogations of students in accordance with this policy and the law.

Ref: Social Services Law §425
18 NYCRR §432.3
New Jersey v. TLO, 105 S. Ct. 733 (1985)
People v. Scott D., 34 NY2d 483 (1974)
Horton v. Goose Creek Independent District, 690 F 2d 470 (1982)
Doe v. Renfrow, 631 F 2d 91, cert. den. 451 US 1022 (1981)
M.M. v. Anker, 477 F.Supp. 837, aff'd. 607 F.2d 589 (2d Cir. 1979)
Bellnier v. Lund, 438 F.Supp. 47 (1977)
US v. Albarado, 495 F 2d 799 (2d Cir. 1974)
In Re Ronald B., 61 AD2d 204 (1978)
People v. Haskins, 48 AD2d 480 (1975)
People v. Overton, 24 NY2d 522 (1967)
Opinion of Counsel, 1 EDR 800 (1959)
Opinion of Counsel, 1 EDR 766 (1952)

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