

Greene County Board of Education

Monitoring: Review: Annually, in May	Descriptor Term: Interrogations and Searches	Descriptor Code: 6.303	Issued Date: 06/28/18
		Rescinds: 6.303	Issued: 02/23/17

1 INTERROGATIONS BY SCHOOL PERSONNEL

2 Students may be questioned by teachers or principals about any matter pertaining to the operation of a school
3 and/or the enforcement of its rules. Questioning must be conducted discreetly and under circumstances which
4 will avoid unnecessary embarrassment to the student being questioned. Any student answering falsely,
5 evasively or refusing to answer a proper question may be subject to disciplinary action, including suspension.

6 If a student is suspected or accused of misconduct or infraction of the student code of conduct, the principal may
7 interrogate the student, without the presence of parent(s)/guardian(s).

8 INTERROGATIONS BY POLICE (AT ADMINISTRATOR'S REQUEST)

9 If the principal has requested assistance by the police department to investigate a crime involving his/her school,
10 the police may interrogate a student suspect in school during school hours. The principal shall first attempt to
11 notify the parent(s)/guardian(s) unless circumstances require otherwise. However, the interrogation may proceed
12 without attendance of the parent(s)/guardian(s) or legal custodians. The principal or his/her designee shall be
13 present during the interrogation.

14 The use of police women or female staff members is desirable in the interrogation of female students.

15 POLICE-INITIATED INTERROGATIONS

16 If the police deem circumstances of sufficient urgency to interrogate students at school for unrelated crimes
17 committed outside of school hours, the police department shall first contact the principal regarding the planned
18 interrogation and inform him/her of the probable cause to investigate. The principal shall make reasonable effort
19 to notify the parent(s)/guardian(s) or legal custodians of the interrogation unless circumstances require otherwise.
20 The interrogation may proceed without attendance of the parent(s)/guardian(s) or legal custodians. The principal
21 or his/her designee shall be present during the interrogation.

22 SEARCHES BY SCHOOL PERSONNEL

23 In order to ensure a safe and secure learning environment, the director of schools shall develop
24 procedures regarding the searching of students, lockers, vehicles, and containers which are consistent
25 with state law and regulations. The director shall develop additional procedures to ensure compliance
26 with all of the provisions of the School Security Act of 1981.¹

27 Any principal, or his/her designee, having reasonable suspicion may search any student, place or thing on school
28 property or in the actual or constructive possession of any student during any organized school activity off campus,
29 including buses, vehicles of students or visitors (Notice shall be posted in the school parking lot that vehicles
30 parked on school property by students or visitors are subject to search for drugs, drug paraphernalia or dangerous

1 weapons), and containers or packages if he/she receives information which would cause a reasonable belief that
2 the search will lead to the discovery of:

- 3 1. Evidence of any violation of the law;
- 4
- 5 2. Evidence of any violation of school rules or regulations or proper standards of student or faculty
6 conduct;
- 7
- 8 3. Any object or substance which, because of its presence, presents an immediate danger of harm or illness
9 to any person.

10 A student using a locker that is the property of the school system does not have the right of privacy in that locker
11 or its contents. All lockers or other storage areas provided for student use on school premises remain the property
12 of the school system and are provided for the use of students subject to inspection, access for maintenance and
13 search. Notice shall be posted in each school that lockers and other storage areas are school property and are
14 subject to search.

15 A student may be subject to physical search or a student's pocket, purse or other container may be required to be
16 emptied because of the results of a locker search, or because of information received from a teacher, staff member
17 or other student if such action is reasonable to the principal. All of the following standards of reasonableness shall
18 be met:

- 19 1. A particular student has violated policy;
- 20
- 21 2. The search could be expected to yield evidence of the violation of school policy or disclosure of a
22 dangerous weapon or drug;
- 23
- 24 3. The search is in pursuit of legitimate interests of the school in maintaining order, discipline, safety,
25 supervision and education of students;
- 26
- 27 4. The primary purpose of the search is not to collect evidence for a criminal prosecution; and
- 28
- 29 5. The search shall be reasonably related to the objectives of the search and not excessively intrusive in
30 light of the age and sex of the student, as well as the nature of the infraction alleged to have been
31 committed.

32 **USE OF ANIMALS**

33 When necessary, dogs or other animals trained to detect drugs or dangerous weapons may be used in conducting
34 searches, but the animals shall be used only to pinpoint areas which need to be searched and shall not be used to
35 search the persons of students or visitors.

36 **USE OF METAL DETECTORS**

37 In view of the escalating presence of weapons in the schools, the Board of Education authorizes the use of hand-
38 held or walk-through metal detectors to check a student's person or personal effects as follows:

39 School officials or law enforcement officers may conduct metal detector checks of groups of individuals if the
40 checks are done in a minimally-intrusive, nondiscriminatory manner (e.g., on all students in a randomly selected
41 class; or every third individual entering an athletic event). Metal detector checks of groups of individuals may not
42 be used to single out a particular individual or category of individuals.

1 If a school official or a law enforcement officer has reasonable suspicion to believe that a particular student is in
2 possession of an illegal or unauthorized metal-containing object or weapon, s/he may conduct a metal detector
3 check of the student's person and personal effects.

4 A student's failure to permit a metal detector check as provided in this policy will be considered grounds for
5 disciplinary action including possible suspension.

6 The director of schools shall develop procedures for use of metal detectors.

7 **SEARCHES BY POLICE**

8 If public health or safety is involved, upon request of the principal who shall be present, police officers may make
9 a general search of students' lockers and desks, or students' or nonstudents' automobiles for drugs, weapons or
10 items of an illegal or prohibited nature.

11 If the principal has received reliable information which he/she believes to be true that evidence of a crime or of
12 stolen goods, not involving school property of members of the school staff or student body, is located on school
13 property and that any search for such evidence or goods would be unrelated to school discipline or to the health
14 and safety of a student or the student body, he/she shall request police assistance; and procedures to obtain and
15 execute a search warrant shall thereafter be followed.

16 Anything found in the course of the search conducted in accordance with this policy which is evidence of a
17 violation of the law or a violation of student conduct standards may be:

18 1. Seized and admitted as evidence in any hearing, trial, suspension or dismissal proceeding. It should be
19 tagged for identification at the time it is seized and kept in a secure place by the principal or the
20 principal's designee until it is presented at the hearing. At the discretion of the principal, the items
21 seized may be returned to the parent or guardian of a student or, if it has no significant value, the item
22 may be destroyed, but only with the express written permission of the director of schools.
23

24 2. Any seized item may be turned over to any law enforcement officer. Any dangerous weapon or drug as
25 defined in TCA 49-6-4202 shall be turned over to an appropriate law enforcement official after
26 completion of an administrative proceeding at which its presence is reasonably required.

27 Whenever the possibility of uncovering evidence of a criminal nature exists, the principal or his/her designee may
28 request the assistance of a law enforcement officer to:

29 1. Search any area of the school premises, any student or any motor vehicle on the school premises; or
30

31 2. Identify or dispose of anything found in the course of a search conducted in accordance with this policy.

32 The involvement of law enforcement officials is encouraged when there is reasonable cause to suspect that
33 criminal evidence is about to be uncovered.

34

Legal References

1. TCA 49-6-4201 to 4219

Cross References

- Procedural Due Process 6.302
Child Abuse and Neglect 6.409