

INTERROGATIONS AND SEARCHES

PURPOSE:

This policy should serve to establish the general guidelines for the conduct of search and seizure of a student(s) locker or other storage area issued by school officials of the North Kingstown School Department. This policy also sets out the guidelines for an interrogation conducted by officials of the North Kingstown School Department.

PHILOSOPHY:

The North Kingstown School Committee acknowledges that teachers and school administrators act in loco parentis in their dealings with students: their authority is that of the parent, not the State and is, therefore, not subject to the limits of the 4th Amendment. Today's public school officials do not merely exercise authority voluntarily conferred on them by individual parents; rather, they act in furtherance of publicly mandated educational and disciplinary policies.

POLICY STATEMENT:

The North Kingstown School Committee recognizes that the majority of the courts that have examined the issue of student search by school officials have concluded that the accommodation of the privacy interest of school children, when considered in relationship to substantial need of teachers and administrators for freedom to maintain order in schools, does not obligate the district to strict adherence to the requirement that a search necessarily be based on probable cause. Rather, the legality of a search of a student(s) should depend on reasonable cause under all circumstances of search.

In keeping therewith, the Committee sets forth these guidelines for school official search:

A. Search of a Student or a Student's Personal Property

1. All students shall be free from unreasonable searches of their persons, clothing and other personal property. However, a search of a student, by a teacher or other school official, shall be "justified at its inception" when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated, or is violating, either the law or the rules of the school. In the event of the necessity to undertake such a search, and wherever possible, the parents should be notified prior to the commencement of a search.
2. Such a search will be permissible in its scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

3. In the event of the necessity for an administrator, or a teacher with the administrator's prior approval, to conduct a pat-down search, but exclusive of a strip search, it is reasonable to require that "probable cause" exists and the same be accomplished in the presence of an adult witness. Requesting students to empty their pockets does not require this measure.
4. School officials may consult with local law enforcement officials regarding the advisability of a search on school premises by a law enforcement officer if evidence of criminal activity is likely to be seized.

B. Search of a Student(s) Locker

1. Students will be assigned lockers for storing and securing their books, school supplies and personal effects. Lockers, desks, and storage areas are the property of the North Kingstown School Department. Neither right nor expectation of privacy exists for any student as to the use of any space issued or assigned to a student by the school, and such lockers and other spaces are subject to search in accordance with this policy.
2. No student may use a locker, desk, or storage area as a depository for any substance or object which is prohibited by law or school rules which poses a threat to the health, safety or welfare of the occupants of the school building or the building itself.
3. In recognition of the fact that courts have tended to allow school officials to search a student's locker without a warrant and without the student's permission, such shall be permissible within the North Kingstown School Department schools, at any time without warning, subject to the establishment of reasonable suspicion that a locker(s) contains evidence/information pertaining to a violation of school rules and offers a threat to the safety, health, and well-being of the school environment.
4. Under ordinary circumstances, a search of a student by a teacher or other school official, shall be "justified at its inception" when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated, or is violating, either the law or the rules of the school. Such a search will be permissible in its scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.
5. In the event that a search develops a reasonable suspicion that a certain container or container in any student's locker or storage area contains evidence of a student's violation of the law or school rules, the principal, or his/her designee may search the container(s).

The Committee sets forth these guidelines for school official interrogations:

1. All questioning of students when a law enforcement officer is present, will follow the procedures outlined in RI General Law 16-21.5 for parental notification.

Adopted: 3/3/75

Amended: 1/25/82, 9/5/89, 2/27/02, 4/8/14