

Wilson County Board of Education

Policy Description:

Investigation/Interviews and Searches

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Policy Number:

6.303

Amended Date:

04/07/08

Rescinds:

400-I-F-7

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1 **INTERVIEWS CONDUCTED BY SCHOOL PERSONNEL**

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3 School personnel have a duty to report any reasonable suspicion that a student is carrying, or has carried, a
4 weapon or is violating, or has violated, a provision of the Tennessee Drug Contract Act to the principal, the
5 principal's designee or, if the principal and the principal's designee are unavailable and the offense was
6 committed on school property, to the appropriate authorities.¹

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

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13 If a student is suspected or accused of misconduct or infraction of the student code of conduct, the principal may
14 interview the student, without the presence of parent(s)/guardian(s) or legal custodians and without giving the
15 student constitutional warnings.¹

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17 **INTERVIEWS BY POLICE (AT ADMINISTRATOR'S REQUEST)**

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19 The principal may request assistance by law enforcement to investigate a crime involving his /her school; they
20 may have permission to question a student in school during school hours as allowed by law. The principal shall
21 first attempt to notify the parent(s)/guardian(s) or legal custodians of the student of the intended questioning
22 unless circumstances require otherwise. The questioning may proceed without attendance of the
23 parent(s)/guardian(s) or legal custodians if permission to do so has been given by the parent(s)/guardian(s) or
24 legal custodians of the student. The principal or his/her designee shall be present during the questioning.

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26 The use of police woman or female staff members is desirable in the questioning of female students.

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¹ TCA 49-6-4202 through TCA 49-6-4212

1 **POLICE INITIATED INTERVIEWS**

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3 If law enforcement deems circumstances of sufficient urgency to interview students at school for unrelated
4 crimes committed outside of school hours, law enforcement shall first contact the principal regarding the planned
5 questioning; inform him/her of the probable cause to investigate within the school. The principal shall make
6 reasonable and concerted effort to notify the parent(s)/guardian(s) or legal custodians of the questioning unless
7 circumstances require otherwise. The questioning may proceed without attendance of the parent(s)/guardian(s)
8 or legal custodians if permission to do so has been given by the parent(s)/guardian(s) or legal custodians of the
9 student. The principal or his/her designee shall be present during the questioning.

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11 **SEARCHES BY SCHOOL PERSONNEL¹**

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13 Any principal, or his/her designee, having reasonable suspicion may search any student, place or thing on school
14 property or in the actual or constructive possession of any student during any organized school activity off
15 campus, including buses, vehicles of students or visitors (*Notice shall be posted in the school parking lot that*
16 *vehicles parked on school property by students or visitors are subject to search for drugs, drug paraphernalia or*
17 *dangerous weapons*) and containers or packages if he/she receives information which would cause a reasonable
18 belief that the search will lead to the discovery of:

- 19
20 1. Evidence of any violation of the law;
21 2. Evidence of any violation of school rules or regulations or proper standards of student or faculty
22 conduct;
23 3. Any object or substance which, because of its presence, presents an immediate danger of harm or
24 illness to any person.

25
26 A student using a locker that is the property of the school system does not have the right of privacy in that locker
27 or its contents. All lockers or other storage areas provided for student use on school premises remain the
28 property of the school system and are provided for the use of students subject to inspection, access for
29 maintenance and search. *Notice shall be posted in each school that lockers and other storage areas are school*
30 *property and are subject to search.*

31
32 A student may be subject to physical search (*strip searches are not permitted on school premises*) or a student's
33 pocket, purse or other container may be required to be emptied because of the results of a locker search or
34 because of information received from a teacher, staff member or other student if such action is reasonable to the
35 principal. All of the following standards of reasonableness shall be met:

- 36
37 1. A particular student has violated or suspected to have violated policy;

¹ TCA 49-6-4204, TCA 49-6-4210

2. The search could be expected to yield evidence of the violation of school policy or disclosure of a dangerous weapon or drug or contraband contrary to a safe school environment;
3. The search is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision and education of students;
4. The primary purpose of the search is not to collect evidence for a criminal prosecution;
5. The search shall be reasonably related to the objectives of the search and no excessively intrusive in light of the age and gender of the student, as well as the nature of the infraction alleged to have been committed; and
6. Removal of garments (not including belts, shoes and socks) to conduct strip searches is prohibited.

USE OF ANIMALS¹

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

USE OF METAL DETECTORS²

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

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

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

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

The Director of Schools shall develop procedures for use of metal detectors.

¹ TCA 49-6-4208

² TCA 49-6-4207

1 **SEARCHES BY POLICE**

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

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

13
14 Anything found in the course of the search conducted in accordance with this policy which is evidence of a
15 violation of the law or a violation of student conduct standards may be:

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17 1. Seized and admitted as evidence in ay hearing, trial, suspension or dismissal proceeding. It
18 should be tagged for identification at the time it is seized and kept in a secure place by the principal
19 or the principal's designee until it is presented at the hearing. At the discretion of the principal, the
20 items seized may be returned to the parent or guardian of a student or, it is has no significant
21 value, the item may be destroyed, but only with the express written permission of the Director of
22 Schools.
23 2. Any seized item may be turned over to any law enforcement officer. Any dangerous weapon or
24 drug as defined in TCA 49-6-4202 shall be turned over to an appropriate law enforcement official
25 after completion of an administrative proceeding at which its presence is reasonably required.
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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
30 1. Search any area of the school premises, any student or any motor vehicle on the school premises;
31 or
32 2. Identify or dispose of anything found in the course of a search conducted in accordance with this
33 policy.
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35 The involvement of law enforcement officials is encouraged when there is reasonable suspicion to suspect that
36 criminal evidence is about to be uncovered.
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