

QUESTIONING AND SEARCHES OF STUDENTS ADMINISTRATIVE PROCEDURE

The purpose of this administrative regulation is to provide guidelines for the conduct of student questioning and searches by school administrators. These are guidelines only and may be adjusted within reasonable and lawful limits on a case-by-case basis.

A. Questioning by School Administrators

1. School administrators are under no obligation to notify a student's parents/guardians prior to questioning a student regarding alleged violations of M.S.A.D.RSU #22 policies, school rules and/or federal/state laws. (Note¹) If law enforcement officers are involved, refer to policy KLG A - Relations with Law Enforcement Authorities.
2. School administrators shall inform the student of the reasons for the questioning and provide an opportunity for the student to respond to any allegations. School administrators shall make a reasonable effort to question the student in a location out of the sight and hearing of other students.
3. If a student fails to cooperate, lies, misleads or threatens any person during questioning, he/she may be subject to additional disciplinary action.

B. Searches of Students and/or Personal Property in Students' Immediate Possession

1. School administrators are authorized to search students and/or personal property in the students' immediate possession when, in their judgment, there are reasonable grounds to suspect that a student has violated or is violating the M.S.A.D.RSU #22 policies, school rules and/or federal/state laws.
2. All searches of students and/or personal property shall be authorized and conducted by a school administrator in the presence of a witness, except where the circumstances render the presence of a witness impractical.
3. Searches should be reasonably related to the suspected violation and no more intrusive than necessary to discover the evidence for which the search was instigated. Searches may include the student's outer clothing (*e.g.* pockets, jacket, shoes, hat) and personal belongings (*e.g.* purse, backpack, gym bag, lunch bag).
4. Searches which disclose evidence that a student has violated M.S.A.D.RSU # 22 policies or school rules will be addressed through school disciplinary procedures. Evidence of violation of federal/state laws shall result in school disciplinary action and be forwarded to law enforcement authorities for possible investigation/prosecution.

¹ The relationship of teachers to their pupils has been stated to be in the nature of in *loco parentis*; "the teacher is the substitute of the parent" Patterson v. Nutter, Supreme Judicial Court of Main, 78 Me. 509, 7A.273.

5. School administrators are required to document all searches and items seized/impounded on the Student Search Form or by another reasonable method.

C. Searches of Lockers, Desks, and Other School Facilities

1. School staff, students and parents/legal guardians shall be informed of this policy/regulation on an annual basis.
2. School administrators shall consult with the Superintendent prior to conducting random searches.
3. Searches of individual student lockers, desks or other storage facilities and their contents based upon reasonable suspicion will be conducted in the presence of the student and a witness, if practical under the circumstances of the search.
4. Searches which disclose evidence that a student has violated [M.S.A.D.-RSU #22](#) policies or school rules will be addressed through school disciplinary procedures. Evidence of violation of federal/state laws shall result in school disciplinary action and be forwarded to law enforcement authorities for possible investigation/prosecution.
5. School administrators are required to document all searches and items seized/impounded on the Student Search Form or by another reasonable method.

D. Patrolling of Parking Lots

1. Students may drive vehicles to school and park in designated areas in accordance with school rules. School administrators retain the authority to patrol parking lots.
2. If school administrators have a reasonable suspicion that a vehicle which a student has parked at school contains evidence that the student has or is violating a federal/state law and/or there is a substantial threat to the welfare and safety of the schools, law enforcement authorities will be requested to render assistance in accordance with Board policy [KLG A-Relations with School Resource Officer and Law Enforcement Authorities](#).

E. Canine Patrols of Lockers and Student Parking Lot

1. The Superintendent may authorize canine patrols of school lockers and/or student vehicles in school parking lots if he/she deems it advisable to maintain school safety or if there is a reasonable suspicion that drugs and/or weapons shall be found.
2. The Superintendent must make request for canine patrols in writing to the Police. Only canines and handlers certified by the Maine Criminal Justice Academy may be used.
3. Whenever possible, canine patrols shall be scheduled to minimize disruption of the academic program and risk of contact with students.
4. Teachers shall be notified prior to the initiation of a canine patrol to keep students in their classrooms during the patrol. Any students in the parking

lot prior to a canine patrol shall be instructed to report to the school office or appropriate classroom.

5. All lockers and/or vehicles shall be scanned during a canine patrol. Any locker or vehicle identified by the canine patrol shall be noted by the school administrators accompanying the patrol.
6. After all lockers and/or vehicles have been scanned, the dogs shall be removed from the school premises.
7. Immediately following removal of the dogs, each locker and/or vehicle identified by the canine patrol shall be searched by school administrators and law enforcement personnel, in accordance with Section C and/or D of this regulation.

F. Involvement of Law Enforcement Authorities

1. School authorities have the discretion to request the assistance of law enforcement authorities in accordance with M.S.A.D.RSU #22 policy.
2. Law enforcement may include local, state and federal officials (e.g. immigration and Customs Border Patrol).
3. School authorities must secure approval of the Superintendent of Schools or his/her designee prior to any involvement of law enforcement authorities.

Cross Reference: ~~KLG – Relations with Law Enforcement Authorities~~

KLGA – Relations with School Resource Officer and Law Enforcement Authorities

JLF – Reporting Child Abuse and Neglect