

QUESTIONING AND SEARCHES OF STUDENTS AND STUDENT PROPERTY

It is the policy of the School Board to cooperate with law enforcement officers and Department of Child Services (DCS) workers acting within the scope of their employment when they propose to question or search a student at school in a manner that is consistent with the rights of the student and the student's parent/guardian.

Questioning of Students

1. Access to Students In Investigations of Suspected Abuse or Neglect

A properly identified employee or agent of the Department of Child Services (DCS) or law enforcement officer investigating suspected abuse or neglect shall be permitted to question and examine a student at school without notice by the school administration to the student's parent/guardian. A private place at school shall be provided for this interview. District employees shall not participate in the interview or examination unless requested by the DCS worker or law enforcement officer.

For purposes of this policy, "*law enforcement officer*" means a person not employed by the District who is: a police officer, sheriff, constable, marshal, or prosecuting attorney; a deputy of any of these persons but not a special deputy who is not an employee of those persons; an investigator for a prosecuting attorney; a conservation officer; an enforcement officer of the Alcoholic Beverage Commission; a Federal Bureau of Investigation special agent; a United States Marshals Service marshal or deputy; a United States Secret Service special agent; a United States Fish and Wildlife Service special agent; a United States Drug Enforcement Agency agent; a Bureau of Alcohol, Tobacco, and Firearms agent; a United States Forest Service law enforcement officer; a United States Department of Defense police officer or criminal investigator; a United States Customs Service agent; a United States Postal Service investigator; or a National Park Service law enforcement commissioned ranger. The term does not include private detectives, investigators employed by attorneys and non-governmental organizations, and the law enforcement officers listed above when not acting within the scope of their governmental job description.

2. Access to Students Without a Court Order in Investigations Other Than Suspected Abuse or Neglect

A law enforcement officer acting without a court order or warrant who requests to question or examine a student at school or while a student is supervised by a school employee should be asked by the building principal to explain the reason for the questioning and the reason(s) why the questioning should take place at school. The building principal should determine

whether the officer's stated objectives are appropriate. If the questioning is permitted to occur, the building principal will ask the officer if there is any reason why the student's parent/guardian should not be given notice and the opportunity to be present for the questioning or examination.

If the law enforcement officer provides a compelling reason why the student's parent/guardian should not be notified or the questioning cannot be delayed until the parent/guardian is notified and present during questioning, the building principal shall allow the officer to question the student.

If the law enforcement officer does not state a valid objective for questioning the student, the officer shall be denied access to the student. If the officer states an appropriate objective for questioning the student but does not state a valid reason for proceeding with the questioning without the parent/guardian present, the building principal shall call the parent/guardian and delay the officer's access to the student until the parent/guardian can arrive.

3. Access to a Student Pursuant to Court Order

A law enforcement officer with a court order specifically directed to school officials ordering that the officer be permitted to have access to or to question a specific student at school shall be permitted to question the student in a manner consistent with the order.

4. Presence of Building Principal During Questioning

Except in the case of an investigation into suspected abuse or neglect covered by paragraph 1 above, a law enforcement officer must provide a valid reason for questioning a student alone. If the building principal does not agree that the law enforcement officer has stated a valid reason for interviewing a student alone, the building principal shall attend and may participate in questioning of a student. If the questioning becomes abusive or otherwise inappropriate and the parent/guardian is not present, the building principal shall end the questioning. This provision applies to questioning with or without a court order.

Searches of Students or Student Property

1. Searches Without a Warrant

a. When the Student is Not Arrested

A law enforcement officer shall be permitted to search a student or a student's property at school and while a student is under the supervision of a school employee without a search warrant or arrest warrant only after stating that he/she has probable cause for the search and exigent circumstances which make obtaining a warrant impossible.

Where the law enforcement officer demonstrates exigent circumstances, the officer shall be permitted to search a student and/or items in his/her immediate possession.

As used in this policy, “*exigent circumstances*” means facts showing a need for immediate action based upon a substantial probability that evidence will be destroyed or lost, persons will be injured or endangered, or a person who is or maybe lawfully detained will escape or avoid lawful detention.

b. When the Student is Arrested

The law enforcement officer shall be permitted to search a student and items in his/her immediate possession after the student is arrested.

2. Searches With a Warrant

A law enforcement officer with an arrest warrant shall be permitted to arrest a student at school and search the student's person after the arrest for the safety of the officer and student.

A law enforcement officer with a search warrant for a location on school property shall be permitted to search in the matter permitted by the warrant if the officer first produces the warrant for the inspection by the building principal.

Inspection of Student Lockers

A student is not entitled to an expectation of privacy in a locker or its contents.

All lockers made available for student use on the school premises are the property of and remain the property of MSD of Wayne Township. These lockers are made available for student use in storing school supplies and personal items necessary for use at school. The lockers are not to be used to store items which cause, or can reasonably be foreseen to cause, an interference with school purposes or an educational function or which are forbidden by law or school rules.

The student’s use of the locker does not diminish the District’s ownership or control of the locker. The school administrator may inspect the locker and its contents at any time to ensure that the locker is being used in accordance with its intended purpose, to eliminate fire and other hazards, to maintain sanitary conditions, to attempt to locate lost or stolen material or to prevent use of the locker to store prohibited or dangerous materials. A principal may request a law enforcement agency to be present when conducting these inspections.

MSD of Wayne Township, Marion County, Indiana

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