

STUDENT INTERVIEWS & SEARCHES

The board of education charges school authorities with the responsibility of assuring the safety and wellbeing of students in their care. In the discharge of the responsibility, school authorities and law enforcement authorities may interview students and search school property under the following guidelines.

Terms used in this section are defined as follows:

“Illegal or unauthorized material” means all substances or materials the presence of which is prohibited by school policy or state or federal law, including but not limited to controlled substances, drugs, alcohol or alcoholic beverages, or aerosol paint, guns, knives, weapons of any sort, and incendiary devices.

“Interview” means a discussion with a student regarding the student’s or another person’s actions, statements, or behavior that threaten or could threaten the life, safety, or well being of a student or regarding anyone’s possession of illegal or unauthorized material.

“Liaison Officer” means law enforcement officer who is an employee of the police department or sheriff’s department but is assigned to the school district to assist in assuring the safety and welfare of the students.

“Principal’s Designee” includes but is not limited to an employee who holds a teaching certificate or security officer.

“Property of the District” means all real property, equipment, furniture, vehicles, and appurtenances to which the district has and claims exclusive ownership and control. Included within the term are lockers, desks, storage areas, and parking areas.

“Regular Officer” means any employee of a law enforcement agency who is not a liaison officer or school resource officer.

Designated School Officials May Interview Students

1. A student may be interviewed by any employee of the district who has the right to interview students as an assigned part of the employee’s official duties. Such employees include but are not limited to principals or principal’s designees, assistant principals, counselors, and the like.
2. A student may not be interviewed by any person who is not an employee of the district without the approval of the principal or the principal’s designee.

3. If the principal or the principal's designee approves of a student interview by someone not employed by the district, the principal or the principal's designee shall determine whether the best interest of the student requires that the principal or the principal's designee be present during the interview.
4. A school official shall not allow law enforcement officers or social service agency officers to interview any student unless criteria and guidelines in sections E, F, G, or H are met and followed.
5. In cases of emergency in which the life, health, safety, welfare or property is at stake, liaison officers may take immediate action without regard to notification procedures in Sections E and F. However, it is the obligation of the officer to notify parents as soon as possible if the student will be further involved as a witness or suspect.

Student Interviews by Regular Officers

Principals or a principal's designee may provide authority for interviews of students by regular officers. Guidelines provided in A or B must be followed.

- a. If a student is under age 18, a regular officer may interview the student only after the principal or principal's designee has notified the student's guardian and obtained the guardian's permission to allow the regular officer to interview the student. A guardian or other adult of the guardian's choice may be present during the interview by a regular officer of a student under the age of 18.
- b. If a student is age 18 or over, the student may be interviewed only after the principal or principal's designee has obtained the student's permission to allow the regular officer to interview the student. Such student may select an adult of their choice to be present during the interview by a regular officer.

Regular officers may interview a student without obtaining permission of a principal or a principal's designee only under the following conditions:

- a. Upon proof to the principal or the principal's designee of a court order allowing the interview.

Student Interviews by Liaison Officers

Liaison officers may be sought out by students. These conversations do not constitute interviews for which permission from the school principal must be obtained. However, any such conversation which discloses behavior or actions, or potential behavior or potential actions, which are or could be detrimental to student safety and welfare, or with regard to illegal or unauthorized materials present on school district property, will be reported to the principal. If this conversation reveals information of an emergency nature, proper law

enforcement authorities will be notified by the principal or the principal's designee. The principal or the principal's designee shall determine whether the student's guardians should be made aware of the circumstances and nature of conversation.

Liaison officers seeking information from possible student witnesses, who are not suspects, may interview students without the permission of the building principal. However, the following conditions must be followed prior to and during the interview:

- a. If the student witness is in elementary school, the principal or principal's designee must be present during the interview.

Liaison officers may interview a student without obtaining permission of a school official under the following conditions:

- a. If proof is provided to the principal or principal's designee of a court order allowing the interview; or
- b. If a student is a victim of a crime, a liaison officer may interview the victim of the crime.

Parental Access to Students within a Custody Situation

As a basic premise in a custody situation both parents have the right of access to the student following the usual procedures dealing with parent-child communication.

A request by the custodial parent to deny access to a student will be honored by a principal or the principal's designee within the limitations of a court order or other legal binding documents if such documentation is on file in the office of the principal and the order terminates parental rights or limits access to the child of the individual in question

A request for access to the student by the non-custodial parent is to be granted unless such access is prohibited within the court order or the request is inconsistent with the visitation rights granted within the document.

Student Interviews for Suspected Child Abuse or Neglect

Principals or the principal's designees may permit law enforcement officers or social service agency officers to interview a student for the purposes of investigating suspected child abuse or neglect if the principal or the principal's designee believes it is in the best interest of the child. In such cases, the principal or principal's designee need not notify the guardian and need not be present during the interview.

Inspections and Searches of School Property

School property may be inspected by the principal or principal's designees to assure the health, safety, and well being of students and staff.

Lockers, desks and storage areas are provided for student and staff use, but remain the property of the district. The district retains its exclusive control over these areas and the principal or principals designees may access them for inspection, maintenance and search for any reason, at any time, without notification to the student or the student's guardian, without the student's or the student's guardian's consent, and without a search warrant.

A student has no expectation of privacy or a right to privacy in lockers, desks, or storage areas and no expectation of privacy or a right to privacy of any contents held within a locker, desk, or storage area. Principals and principal's designees may inspect, maintain and search all lockers, desks, and storage areas any may inspect and search any contents therein to assure the safety and well being of students.

Impeding access to a locker, desk, or storage area by use of any lock not provided by or approved by the principal is not allowed. Unapproved locks will be removed or destroyed.

Inspection and Searches of Vehicles Parked in School Parking Areas

To assure the safety and well being of students and to help deter vandalism, visual inspections of school parking lots and vehicles parked on school property will be made routinely by security staff. Security staff will report the presence of any suspected illegal or unauthorized material found in parking lots or parked vehicles to the principal or principal's designee.

If the suspected illegal or unauthorized material found could pose an immediate threat to the life of students and staff, security staff will take all appropriate measures to assure the life threatening hazard is removed.

The principal or principal's designee shall determine whether a vehicle containing suspected illegal or unauthorized material is owned by a student or is under the control of a student.

If the vehicle is owned by a student or is under the control of a student, the principal or principal's designee shall determine whether there is reasonable suspicion that the vehicle contains illegal or unauthorized materials. If the principal or principal's designee concludes there is a reasonable suspicion that the vehicle contains illegal or unauthorized material, the principal or principal's designee may conduct a search of the vehicle.

A student, if available, can be present at his/her discretion during any search of his/her automobile.

If a vehicle containing suspected illegal or unauthorized material is not owned or controlled by a student, but is parked on school district property, the principal or principal's designee shall report the presence of suspected illegal and unauthorized material to law enforcement, who may include school liaison officers , who will decide whether and how a search is conducted.

Use of Community Resources in Search of School Property

A principal or principal's designee may use civil or community resources, such as the Highway Patrol Canine Team, to inspect and search school property, including lockers, desks, and storage areas, and vehicles parked on school property.

Search of a Student's Person and Personal Effects

A principal or principal's designee may conduct a search of a student's person or objects or clothing in the student's possession or control, if the principal or principal's designee has a reasonable suspicion the student may possess illegal or unauthorized material.

A student shall not be subjected to a strip search by anyone employed by the school district

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Legal Reference:

SDCL 13-32-4 - School board to assist in discipline--Suspension and expulsion of pupils--Report to local authorities--Hearings--Alternative settings.
ARSD 24:07:01 et seq.

Cross Reference:

JEDB - Student Dismissal Precautions
JGD-P/JGE-P - Student Suspension/Student Expulsion
ECD - Traffic and Parking Controls
KNAJ - Relations with Police Authorities