

To ensure the Cherokee County Board of Education's Major System Priority of providing a safe and secure environment for teaching and learning is sustained, this policy is created to provide guidelines for conducting student interviews and searches.

I. Searches by School Administration

A. Search – General

Any school administrator acting at school or at a school function may search any student under their authority (regardless of age) if the official has “reasonable suspicion” to believe that:

- a law or school rule has been or is being broken;
- A student may possess illegal, dangerous or prohibited property or substances.

The search will be no more invasive than is reasonably necessary based upon the level of suspicion and the exigent circumstances then present.

Students attending alternative school are subject to a search at anytime and both the student and parent/legal guardian are aware of and acknowledge their understanding by signature upon enrollment.

B. Random Searches

The School District reserves the right to conduct random searches of all equipment it owns and maintains including, but not limited to, student lockers, athletic lockers, desks, files and other storage areas. This search does not require permission or consent of the individual using the property, and may be conducted at any time by a School Administrator.

C. Locker Searches

Regardless of assignment to students with or without charge, lockers remain the property of the school. School Administrators are authorized to open lockers to examine their contents.

D. Personal Searches

When conducting searches of a student's person, school officials will utilize the following protocols:

1. Ensure there is an adult witness present from the inception of the search until the conclusion of the search including the seizure of illegal, dangerous, or prohibited property or substances.
2. The witness should be of the same gender as the student when practicable.
3. Searches will be conducted in such a way as to cause the least amount of embarrassment to the student. Only the searcher, witness, and student should be present. Students should never be searched in the presence of other students.
4. Whenever a search is to take place, the student should be escorted from the class or activity area to the search location. Stops along

the way (restroom, locker) should be avoided. All personal property, including books, electronic devices, jackets, hats, tote bags, and purses should be brought by the student from the classroom or activity area to the search location.

5. The digital contents of cell phones will not be searched.
6. Except for shoes, coats, jackets or hats, no student will be asked to remove articles of clothing during a personal search.

E. Vehicle Searches

Parking on school campus property is a privilege and not a right. Motor vehicles parked in areas located upon school district property may be searched by the School Administrator under the following circumstances:

1. When weapons including, but not limited to, guns, knives or clubs are in plain view within the motor vehicle; or,
2. When the student or other person has orally consented to the search of the motor vehicle; or,
3. When there is reasonable suspicion to believe that the motor vehicle was used in the commission of a crime; or,
4. When there is reasonable suspicion to believe that the motor vehicle is carrying a prohibited, stolen or illegally possessed substance or object; or,
5. At random, as disclosed in writing to the student and/or parent/guardian when submitting the application for parking.

School Administrators may require the student to surrender possession of any key to a motor vehicle parked in the designated student parking area or on School District property for purposes of opening and inspecting the motor vehicle.

School Administrators will, when practicable, permit the student to be present during the entry into and the subsequent search of the motor vehicle. Any item found in or on the motor vehicle which is prohibited by state law, board policy and the School District Discipline Code may be seized. All items seized will be retained by the administrator, or if a violation of law, the school police department until such time as it can be released to the parent or legal guardian of the student, dependent upon the circumstances and the decision of the school police officer and School Administration.

F. Free Air Searches

The School District may, from time to time, conduct a “free air” search upon district property using trained police canines. Such searches will be accomplished so as to protect students, faculty and others from immediate contact with the canine(s) in an effort to promote the safety of all students.

II. Interviews by School Personnel

- A. The administrators and teachers possess the authority to conduct reasonable interviews of students in order to properly investigate alleged offenses and/or student misconduct.
- B. All interviews will be conducted by an administrator, teacher or police officer in private whenever possible, in order to protect the student and maintain confidentiality. When conducting the interview a witness of the same gender will be present when practicable.
- C. If the student is asked to provide a statement, the statement will be written by the student in his/her own words, dated and signed (if age permits).
- D. School District police officers may be present at the time of the interview if there is the likelihood the student may present a danger to himself or others. At no time during the interview may the police officer advise, coach, counsel, or direct the Principal/Designee.
- E. If an administrator determines that a possible violation of the law has occurred, he/she will contact the Cherokee School Police Department for further investigative follow-up.

III. Searches by School Police Officers

In Georgia, certified police officers assigned to, or working in a school are considered law enforcement officers, not school officials. As such, the following applies to all searches conducted by School Police officers:

- A. Officers are required to adhere to the principles of the United States Constitution, applicable federal and state laws, and the policies of the General Directives Manual of the Cherokee County School Police Department when conducting searches of persons, and/or property.
- B. When a law enforcement officer instigates, directs, participates or acquiesces in a search conducted by school officials the school official will be acting as an agent of school police, the officer and/or the school official must have probable cause for the search.

IV. Interviews by School Police Officers

- A. Officers are required to adhere to the principles of the United States Constitution, applicable federal and state laws, and the policies of the General Directives Manual of the department when conducting an interview or custodial interrogation of a student regardless of age.
- B. If a decision is made to turn the interview function over to the a police officers, the Administrator may assist the officer in performing his/her official duties, but will not act as an “agent” of the officer.

V. Use of Metal Detectors

Hand-held metal detectors may be used by the Principal or Designee as an aid in detecting the presence of a firearm, or other weapon in order to protect the health, welfare and safety of students, faculty, staff and visitors on a school campus.

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Cherokee County Board of Education