

NEPN/NSBA CODE: JIH
TITLE: QUESTIONING AND SEARCHES OF STUDENTS
AUGUSTA CODE/TITLE: SAME

NEPN/NSBA CODE: JIH-R
**TITLE: QUESTIONING AND SEARCHES OF STUDENTS ADMINISTRATIVE
PROCEDURE**
AUGUSTA CODE/TITLE: SAME

NEPN/NSBA CODE: JIH-E
TITLE: STUDENT SEARCH CHECKLIST
AUGUSTA CODE/TITLE: NONE

Augusta's current policy is similar to the MSMA sample, except that it includes the following provision:

“If a student refuses to comply with a search directive, the student shall be subject to disciplinary action. The penalty for non-compliance with the search directive shall correspond to the range of penalties that may be imposed for the underlying violation. If there is a range of possible penalties for the underlying violation, the penalty for non-compliance may fall anywhere within that range, up to and including the maximum possible penalty.”

In Augusta's current administrative procedure, the language on this point is:

“If a student refuses to consent to a search directive, fails to cooperate, lies, misleads or threatens any person during questioning, he/she may be subject to additional disciplinary action.”

This is similar to the language in the MSMA sample procedure.

If the Board wishes to have language in the policy providing for consequences for failure to cooperate in questioning or a search, in the policy, we suggest more succinct language in the policy and more expansive wording in the procedure.

The Board may opt instead to have the “non-compliance” language only in the administrative procedure, which is the approach illustrated in the documents included in this revised manual as JIH and JIH-R. This is the only difference between the revised policy and procedure and Augusta's original documents.

The Board may also wish to be more specific in regard to “school administrators” for the purpose of implementing this policy. The Board should determine whether this phrase includes the Superintendent, Assistant Superintendent (when applicable), building principal and/or assistant principal.

In thinking about the administrative procedure, the Board should be aware that some courts have permitted “pat-downs” and even more intrusive searches, but MSMA does not recommend that school administrators take such action. If a local Board wishes to authorize such searches, MSMA strongly recommends seeking the advice of legal counsel.

Finally, we have included the MSMA sample student search documentation form, JIH-E, for the Board’s convenience.