

TENNESSEE PUBLIC CHARTER SCHOOL COMMISSION		
REPORTING OF CRIMES, INTERROGATIONS, AND SEARCHES		6303
ADOPTED: April 9, 2021	REVISED:	MONITORING: Review: Annually

**REPORTING OF CRIMES**

**School Officials’ Duty to Report Drug or Weapon Offenses.**<sup>1</sup> It is the duty of a school leader of an authorized charter school who has reasonable suspicion to believe, either as a result of a search or otherwise, that any student is committing or has committed any violation of a drug offense<sup>2</sup> or unlawful carrying or possession of a weapon<sup>3</sup>, upon the school grounds or within any school building or structure under the school leader’s supervision, to report the reasonable suspicion to the appropriate law enforcement officer.

School personnel have the duty to report any reasonable suspicion that a student is committing or has committed any violation of a drug offense<sup>2</sup> or unlawful carrying or possession of a weapon<sup>3</sup> to the school leader, or, if the school leader is not available, to the school leader’s designee. If neither the school leader nor the designee is available, school personnel may report violations of a drug offense<sup>2</sup> or unlawful carrying or possession of a weapon<sup>3</sup> committed on school property to the appropriate authorities.

**School Officials’ Duty to Report Other Student Offenses.**<sup>4</sup> A teacher observing or otherwise having knowledge of an assault, battery, or vandalism endangering life, health, or safety committed by a student on school property shall report such action immediately to the school leader. A school leader having direct knowledge of an assault, battery, or vandalism endangering life, health, or safety committed by a student on school property or receiving a report of such action shall report the action immediately to the municipal or metropolitan police department or sheriff’s department having jurisdiction. Any fight not involving the use of a weapon<sup>3</sup>, or any fight not resulting in serious personal injury to the parties involved, shall be reported only to the school leader.

Authorized charter schools shall also report violent and disruptive incidents to the Commission through the student information system. The Commission will annually report such incidents to the Commissioner of Education through the uniform violent incident reporting system. Reporting information shall include:

- (1) The type of offenders;
- (2) If an offender is a student, the age and grade of the student;
- (3) The location in which the incident occurred;
- (4) The type of incident;
- (5) Whether the incident occurred during or outside of regular school hours;
- (6) Where the incident involved a weapon, whether the weapon was a firearm, knife, or other weapon;

- (7) The actions taken by the school in response to the incident, including when the incident was reported to law enforcement officials and whether disciplinary action was taken against the offenders by law enforcement;
- (8) Any student discipline or referral action taken against a student offender and the duration of the action; and
- (9) The nature of the victim and the victim's age and grade where appropriate.

## **INTERROGATIONS**

**Police-Initiated Interrogations.**<sup>5</sup> If the police deem circumstances of sufficient urgency to interrogate students at school for unrelated crimes committed outside of school hours, the police department shall first contact the school leader regarding the planned interrogation and inform him/her of the probable cause to investigate. The school leader has discretion in deciding whether to allow the interrogation on school property, unless immediate police access to the student is required by law, court order, warrant, or an exigent circumstance justifying dispensation with the requirement to obtain a warrant. The school leader shall make reasonable effort to notify the parent(s)/guardian(s) of the interrogation unless circumstances require otherwise.

**Interrogations by Police (At Administrator's Request).** If the school leader has requested assistance from law enforcement to investigate a crime involving his/her school, the police may interrogate a student suspect in school during school hours. The school leader shall make reasonable effort to notify the parent(s)/guardian(s) of the student. However, the interrogation may proceed without attendance of the parent(s)/guardian(s), and the school leader or his/her designee shall be present during the interrogation.

**Interrogations by School Personnel.** Students may be questioned by teachers or administrators about any matter pertaining to the operation of the school or school district and/or the enforcement of its rules, policies, and procedures.

## **SEARCHES**

**Search of Lockers, Vehicles, and Other Property.**<sup>6</sup> When individual circumstances in a school dictate, a school leader may order that vehicles parked on school property by students or visitors, containers, packages, lockers, or other enclosures used for storage by students or visitors, and other areas accessible to students or visitors be searched in the school leader's presence or in the presence of other members of the school leader's staff.

A notice shall be posted in the school that lockers and other storage areas, containers, and packages brought into the school by students or visitors are subject to search for drugs, drug paraphernalia, dangerous weapons, or any property that is not properly in the possession of the student.

A notice shall be posted where it is visible from the school parking lot that vehicles parked on school property by students or visitors are subject to search for drugs, drug paraphernalia, or dangerous weapons.

**Search of Persons and Containers.**<sup>7</sup> A student may be subject to physical search because of the results of a locker search, or because of information received from a teacher, staff member, student, or other person if such action is reasonable to the school leader.

All of the following standards of reasonableness shall be met:

- (1) A particular student has violated school policy;
- (2) The search will yield evidence of the violation of school policy or will lead to disclosure of a dangerous weapon, drug paraphernalia, or drug;
- (3) The search is in pursuit of legitimate interests of the school in maintaining order, discipline, safety, supervision, and education of students;
- (4) The search is not conducted for the sole purpose of discovering evidence to be used in a criminal prosecution; and
- (5) The search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student, as well as the nature of the infraction alleged to have been committed.

**Use of Metal Detectors.**<sup>8</sup> To facilitate a search that is found to be necessary, metal detectors and other devices designed to indicate the presence of dangerous weapons, drug paraphernalia, or drugs may be used in searches, including hand-held models that are passed over or around a student's or visitor's body, and students, visitors, containers, and packages may be required to pass through a stationary detector.

**Use of Animals.**<sup>9</sup> To facilitate a search that is found to be necessary, dogs or other animals trained to detect drugs or dangerous weapons by odor or otherwise may be used in conducting searches, but the animals shall be used only to pinpoint areas needed to be searched and shall not be used to search the persons of students or visitors.

**Disposal of Contraband.**<sup>10</sup> Any dangerous weapon or drug located by the school leader or other staff member in the course of a search shall be turned over to the appropriate law enforcement officer for proper disposal.

**Training Program for School Leaders – Notice of Policies to Parents and Students.**<sup>11</sup> The school and the local law enforcement agency shall establish and maintain an orientation and training program designed to familiarize school leaders with the School Security Act of 1981 and with district and school policies and procedures.

The school shall provide parents and students with reasonable notice of this policy and any additional school policies and procedures.

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Legal References:

<sup>1</sup> T.C.A. § 49-6-4209

<sup>2</sup> T.C.A. §§ 39-17-401 – 455

<sup>3</sup> T.C.A. § 39-17-1307; T.C.A. § 39-17-1309

<sup>4</sup> T.C.A. § 49-6-4301

<sup>5</sup> Op. Tenn. Atty. Gen. No. 14-21

<sup>6</sup> T.C.A. § 49-6-4204

<sup>7</sup> T.C.A. § 49-6-4205

<sup>8</sup> T.C.A. § 49-6-4207

<sup>9</sup> T.C.A. § 49-6-4208

<sup>10</sup> T.C.A. § 49-6-4210

<sup>11</sup> T.C.A. § 49-6-4212

Cross References:

LEA Policy 1801 Special Education

LEA Policy 1802 ADA and Section 504