

(School District or ISD)

SEARCH AND SEIZURE

(Policy/Guidelines)

The Board of Education has charged school authorities with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search school property such as lockers used by students or the person or property, including vehicles, of a student, in accordance with the following policy.

School Property

The Board acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have such an expectation of privacy as to prevent examination by a school official. The Board directs the school principals to conduct a routine inspection at least annually of all such storage places. In the course of any search, student's privacy rights will be respected regarding any items that are not illegal or against Board policy.

The Board also authorizes the use of canines, trained in detecting the presence of drugs or devices, when the Superintendent has reasonable suspicion that illegal drugs may be present in a school. This means of detection shall be used only to determine the presence of drugs in locker areas and other places in the school where such substances could be concealed. Canine detection must be conducted in collaboration with law enforcement authorities or other certified organizations and is not to be used to search students unless either a warrant or parental permission has been obtained prior to the search.

Student Person and Possessions

The Board recognizes that the privacy of students or his/her belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion or in an unreasonable manner. The extent of the search will be governed by the seriousness of the alleged infraction, the student's age, and the student's disciplinary history.

This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.

Except as provided below, a request for the search of a student or a student's possessions will be directed to the principal. She/He shall attempt to obtain the freely-offered consent of the student to the inspection; however, provided there is reasonable suspicion, she/he may conduct the search without such consent. Whenever possible, a search will be conducted by the principal in the presence of the student and a staff member other than the principal. A search prompted by the reasonable belief that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

Search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender, and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened.

Administrators are authorized to arrange for the use of a breath-test instrument, according to the Superintendent's guidelines, for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level, since the Board has established a zero tolerance for alcohol use.

The principal shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found and the disposition made of them; and any subsequent action taken. The principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

The Superintendent shall prepare administrative guidelines to implement this policy.

Pursuant to this policy, the following guidelines shall be used when school administrators have reasonable suspicion that a student may have in his/her possession evidence that a specific rule or law has been violated:

- A. All requests or suggestions for the search of a student or his/her possessions shall be directed to the teacher or the person in charge of the students while out of the District.
- B. Wherever possible, before conducting the search, the teacher shall notify the student, request his/her consent to the inspection if other than his/her locker, and inform the student that she/he may withhold consent. Such consent, if offered, shall be given voluntarily and with the knowledge that it could have been withheld. The teacher shall conduct the search, however, with or without the consent.
- C. Wherever possible, an adult third party shall be present at any search of a student or his/her possessions.
- D. The teacher may conduct a student search upon reasonable suspicion to suspect the presence of an illegal or dangerous substance or object, or anything contraband under school rules.
- E. The teacher shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student, whether during a student search or otherwise.
- F. Wherever possible, the student shall be present at any search of his/her possessions.
- G. The teacher shall be responsible for the prompt recording of each student search. The record shall be in writing and shall include the reasons for the search, the persons present, the objects found and the disposition made of them, and shall be kept in a secure location in his/her office. (See "Record of Student Search and Seizure" form attached.)
- H. Whenever the search is prompted by the reasonable suspicion that possession of a substance or object immediately threatens the safety and health of the student or others, the teacher shall act with as much speed and dispatch as is required to protect persons and property in the school while keeping clearly in mind the student's rights and the potential consequences of inappropriate or hasty action.

Reasonable Suspicion

As used in this section, "reasonable suspicion for a search" means grounds sufficient to cause an adult of normal intellect to believe that the search of a particular person, place, or thing will lead to the discovery of evidence that the student:

- A. has violated or is violating a rule or behavioral norm contained in the student handbook;
- B. has violated or is violating a particular law;
- C. possesses an item or substance which presents an immediate danger of physical harm or illness to students and staff or District property.

Lockers and Other Storage Areas Provided for Student Use

- A. All lockers and other storage areas provided for student use remain the property of the District. These lockers and storage areas are subject to inspection, access for maintenance, and search pursuant to these guidelines. A student using the locker or storage area has, by statute, no expectation of privacy in that locker or storage area or the contents contained therein. (See "Student Locker Assignment Authorization" form attached.) In the course of any search, student's privacy rights will be respected regarding any items that are not illegal or against Board policy. No student shall lock or otherwise impede access to any locker or storage area except with a lock provided by or approved by the teacher. Unapproved locks will be removed and destroyed.
- B. The teacher may search student lockers and storage areas and the contents contained therein at any time for any justifiable reason.
- C. The teacher may, at any time, request assistance of the appropriate law enforcement agency having jurisdiction over the facilities of the District. The law enforcement officer must have probable cause, however, to conduct a search of the lockers and storage areas and the contents contained therein.

Desks and Other Storage Areas

A desk or any other storage area in the school provided for student use, as well as the contents contained therein, may be searched when the teacher has reasonable suspicion for a search.

Vehicles

Searches of vehicles of staff members or visitors shall be conducted by law enforcement personnel.

Student

- A. The personal search of a student may be conducted by the teacher when she/he has reasonable suspicion for a search of that student. Authorized searches of the student's person are:
 - 1. the student's pockets;

2. purses, briefcases, or any other object in the possession of the student;
 3. a "pat down" of the exterior of the student's clothing and the removal of any item identified;
 4. removal of an article of exterior clothing such as a jacket.
- B. Strip searches are to be conducted only by law enforcement personnel.
- C. Personal searches shall be conducted in a private room by a person of the same gender as the student and designated by the teacher. At least one (1) but not more than three (3) additional staff members of the same gender as the student being searched shall witness but not participate in the search.

At the request of the student to be searched, an additional person of the same gender as the student designated by the student, and then reasonably available on school premises, shall witness the search. The student's parents shall be notified of the search as soon as reasonably possible.

Use of Breath - Test Instruments

The principal/director may arrange for a breath test for blood-alcohol to be conducted on a student whenever she/he has individualized reasonable suspicion to believe the student has consumed an alcoholic beverage.

The principal/director shall attempt to contact the local law enforcement agencies and arrange for it to conduct the test.

The following procedure should be used:

Take the student(s) to a private administrative or instructional area on school property and have at least one other member of the teaching or administrative staff present as a witness to the test. If the student refuses to take the test, inform him/her that refusal to participate leaves the observed evidence of the alcohol use unrefuted, thus leading to disciplinary action. Allow the student a second opportunity to be tested, and if she/he refuses again, ask the student to sign a refusal statement. Regardless of whether or not she/he signs, prepare a written report of the incident.

Method of Search

The scope of any search should be limited by the reasonable suspicion that motivated the search. If an item is found that leads to reasonable suspicion that additional, correlated items may also exist, the search may be extended. If the initial search produces no evidence of contraband, there should be no extension of the search based on simple curiosity.

Items Found

Anything found in the course of a search which is evidence of a student violation of school rules or Federal/State laws may be seized and admitted as evidence in any suspension or expulsion proceeding if it is tagged for identification at the time it is seized and kept in a secure place by the teacher until it is presented at the hearing. It may also be turned over to any law enforcement officer after proper notation and receipt.

STUDENT LOCKER ASSIGNMENT AUTHORIZATION

STUDENT _____

LOCKER NUMBER _____

In accepting this locker assignment and in using the locker, I agree that the building administrator(s) has joint use and control of and may open this locker and examine any of the items or contents at any time.

The opening and examination of the locker shall be made only in the presence of another staff member or law enforcement officer. I understand and agree that this locker may be opened when I am not present. I

consent to the opening of this locker and the examining of all of its contents and agree that this

permission shall last as long as I am entitled to use the locker. In addition, it is my understanding that my privacy rights will be respected regarding any items that are not illegal or against Board policy.

Student

Date

RECORD OF STUDENT SEARCH AND SEIZURE

Name of Student Suspect: _____

Area Searched: _____

Name of Informant(s) Filing Complaint: _____

Date Search/Seizure Initiated: _____

Staff Member Conducting Search: _____

Witness (es) of Search: _____

Summary of Report Given by Informant (include date): _____

Action Taken in Conducting Search and/or Seizure: _____

List of Substances/Objects Seized: _____

Disposition of Substances/Objects Seized: _____

Note: Student rights of privacy must be respected regarding any items that are not illegal or against District policy.

Report prepared by: _____ Date prepared: _____