

### **Student Search and Seizure**

School district property is held in public trust by the Board of Education. School district authorities may, without a search warrant, search students or protected student areas based on a reasonable and articulable suspicion that a school district policy, rule, regulation, or law has been violated. The search is in a manner reasonable in scope to maintain order and discipline in the schools, promote the educational environment, and protect the safety and welfare of students, employees, and visitors to the school district facilities. The furnishing of a locker, desk or other facility or space owned by the school and provided as a courtesy to a student, even if the student provides the lock for it, will not create a protected student area and will not give rise to an expectation of privacy with respect to the locker, desk, or other facility.

School authorities may seize any illegal, unauthorized, or contraband materials discovered in the search. Items of contraband may include, but are not limited to, nonprescription controlled substances, marijuana, cocaine, amphetamines, barbiturates, apparatus used for controlled substances, alcoholic beverages, tobacco/nicotine, weapons, explosives, poisons, and stolen property. Such items are not to be possessed by a student while they are on school district property or on property within the jurisdiction of the school district; while on school owned and/or operated school or chartered vehicles; while attending or engaged in school activities; and while away from school grounds if misconduct will directly affect the good order, efficient management, and welfare of the school district. Possession of such items will be grounds for disciplinary action including suspension or expulsion and may be reported to local law enforcement officials. The Board believes that illegal, unauthorized, or contraband materials may cause material and substantial disruption to the school environment and/or presents a threat to the health and safety of students, employees, or visitors on the school district premises or property within the jurisdiction of the school district.

## Administrative Guidelines

### Searches, in general

- A. Reasonable and Articulable Suspicion: A search of a student will be justified when there are reasonable grounds for the suspicion that the search will turn up evidence that the student has violated or is violating the law or school district policy, rules, or regulations affecting school order.

Reasonable suspicion may be formed by considering factors such as the following:

- (1) eyewitness observations by employees;
- (2) information received from reliable sources;
- (3) suspicious behavior by the student; or,
- (4) the student's past history and school record although this factor alone is not sufficient to provide the basis for reasonable suspicion.

- B. Reasonable Scope: A search will be permissible in its scope or intrusiveness when the measures adopted are reasonably related to the objectives of the search. Reasonableness of scope or intrusiveness may be determined based on factors such as the following:

- (1) the age of the student;
- (2) the gender of the student;
- (3) the nature of the infraction; and
- (4) the emergency requiring the search without delay.

## II. Types of Searches

### A. Personal Searches

1. A student's person and/or personal effects (e.g., purse, backpack, etc.) may be searched when a school official has reasonable suspicion to believe the student is in possession of illegal or contraband items or has violated school district policies, rules, regulations, or the law affecting school order.
2. Personally intrusive searches will require more compelling circumstances to be considered reasonable.
  - (a) Hand-Held Metal Detector "Wand" Search: A wand search of a student and/or personal effects is permissible in emergency situations when the health and safety of students, employees, or visitors are threatened. A wand search may also be utilized as a component of a written safety plan when school officials deem wand searches to be reasonable at the inception or modification of the plan considering the totality of the circumstances. Circumstances that may give rise to a reasonable suspicion justifying the inclusion of a wand search in a safety plan include but are not limited to the past or present use of a weapon, dangerous object, or look-a-like weapon (as defined by Policy #5202) by the student on or off school grounds; an arrest or investigation of the student for possession or use of a weapon, dangerous object or look-a-like weapon; the threat of harm or violence by the student; behavior of the student suggesting an intent to harm; or as otherwise approved by the Superintendent considering the totality of the

circumstances. Any wand search of a student and/or a student's personal effects will be conducted according to the school district's Search and Seizure Protocol for Wands.

- (b) **Pat-Down Search:** If a pat-down search or a search of a student's garments (such as jackets, socks, pockets, etc.) is conducted, it will be conducted in private by a school official and with another adult staff as a witness; the official and the witness will be of the same gender as the student, when feasible.
- (c) A more intrusive search, short of a strip search, of the student's person, handbags, book bags, etc., is permissible in emergency situations when the health and safety of students, employees, or visitors are threatened. Such a search may only be conducted in private by a school official of the same gender as the student, with an adult of the same gender present unless the health or safety of students will be endangered by the delay which may be caused by following these procedures.

**B. Locker and Desk Inspections**

Although school lockers and desks are temporarily assigned to individual students, they remain the property of the school district at all times. The school district has a reasonable and valid interest in insuring the lockers and desks are properly maintained. For this reason, lockers and desks are subject to unannounced inspections and students have no legitimate expectations of privacy in the locker or desk. Periodic inspections of all or a random selection of lockers or desks may be conducted by school officials in the presence of the student or another individual. Any contraband discovered during such searches will be confiscated by school officials and may be turned over to law enforcement officials. The contents of a student's locker or desk (coat, backpack, purse, etc.) may be searched when a school official has reasonable and articulable suspicion that the contents contain illegal or contraband items or evidence of a violation of law or school policy or rule. Such searches should be conducted in the presence of another adult staff witness.

**C. Automobile Searches**

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of the student parking lots. The interior of a student's automobile on the school premises may be searched if the school official has reasonable and articulable suspicion to believe that illegal, unauthorized or contraband items are contained inside.

**D. Use of Police Canines in Searches**

In order to deter or detect the presence on school property of drugs or other contraband items, school officials may use trained, certified, and reliable police canines (drug-detecting or drug-sniffing dogs) to assist in the search of lockers, desks, facilities, school owned spaces and vehicles parked on school premises under the following conditions:

- a. The school Principal requests such assistance based on reasonable suspicion that cannot be resolved by an individual search.

- b. The Superintendent authorizes such assistance.
- c. The search is supervised at all times by school officials.
- d. The police canine is under control at all times by its police handler.
- e. All appropriate means are used to ensure that no contact occurs between students and the police canine.
- f. Canines will not be used to search students' bodies, worn clothing, or carried bags or containers unless school officials reasonably believe that such a search is necessary to prevent immediate bodily injury or harm to students, faculty and/or staff.
- g. In addition to the above Principal-initiated searches, the Superintendent may schedule a canine- assisted search in any district facility to deter or detect the presence on school district property of drugs or other contraband item.