

5771 - SEARCH AND SEIZURE

Pursuant to Board of Education Policy 5771, 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 principal or the person in charge of the students while out of the District.
- B. Wherever possible, before conducting the search, the building administrator shall notify the student. Wherever possible, the student shall be present at any search of his/her possessions. The principal 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 principal 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 principal 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. The principal 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 illegal objects found, and the disposition made of them, and shall be kept in a secure location in his/her office.
- G. 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 principal 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 Form 5771 F1). 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 principal. Unapproved locks will be removed and destroyed.

- B. The principal may search student lockers and storage areas and the contents contained therein at any time for any justifiable reason.
- C. The principal may, at any time, request assistance of a 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 principal has reasonable suspicion for a search.

Vehicles

- A. Any vehicle brought on District premises by a student may be searched when the principal has reasonable suspicion to justify the search.
- B. One of the conditions for granting permission for a student to bring a student-operated vehicle onto school premises is written consent by the student driver, the owner of the vehicle, and the parent of the student to allow search of that vehicle. Refusal by any of the parties to provide or allow access to a vehicle at the time of a search request shall be cause for terminating the privilege without further hearing.
- C. 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 principal when s/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.

Use of Breath - Test Instruments

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

The principal shall attempt to contact the local law enforcement agency and arrange for it to conduct the test. The following procedure should be used:

- A. 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 alcohol use unrefuted which will lead to disciplinary action. Allow the student a second opportunity to be tested, and if s/he refuses again, ask the student to sign a refusal statement. Regardless of whether or not s/he signs, prepare a written report of the incident.
- B. The purpose of the test is to determine whether or not the student has consumed an alcoholic beverage. The amount of consumption is not relevant, except where the student may need medical attention.
- C. Make a written record of the instrument's serial number or identifier; the test result; the date, time, place of the test; the students' names; and the names of the witnesses.
- D. If the instrument provides printed evidence, attach a print-out to the written record.
- E. If the result indicates a violation of school rules as described in the student handbook, follow the disciplinary procedure described in the handbook.
- F. If a staff member accompanying students on a school-related activity off school grounds has individualized reasonable suspicion to believe that a student has consumed an alcoholic beverage and no test instrument is available, s/he should make a written record of all facts upon which an opinion that the student has consumed an alcoholic beverage is based. Since the staff member is responsible, for the welfare of a student who may be intoxicated, s/he should supervise the student until s/he is returned to the custody of his/her parents or a law enforcement official.

Use of Dogs

The Board has authorized the use of specially-trained dogs to detect the presence of drugs and devices such as bombs on school property under the following conditions:

- A. The presence of the dogs on school property must be authorized, in advance, by the Superintendent or be pursuant to a court order or warrant.
- B. The dog must be handled by a law enforcement officer or a contracted person specially trained to safely and competently work with the dog.
- C. The dog is represented by the Sheriff or Chief of the law enforcement agency providing the service as capable of accurately detecting drugs and/or devices.
- D. The dog will be allowed to examine a student's possessions, including vehicles, but any search of a student's person will be based upon individualized reasonable suspicion.
- E. The dog may be allowed to examine school property such as lockers as permitted by the building principal. Any limitation as to areas of school property to be examined by the dog shall be established by the Superintendent at the time the use of dogs is authorized.

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 turned over to any law enforcement officer after proper notation and receipt.

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