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5771 - **SEARCH AND SEIZURE**

Pursuant to Board of Education Policy 5771 - Search and Seizure, the following guidelines shall be used when school administrators have ~~reason to suspect~~ reasonable suspicion that an illegal or dangerous substance or ~~object or object~~, stolen ~~property~~ property, or other form of contraband in violation of school rules may be in ~~the~~ a student's possession ~~of a student~~:

Any search conducted based on reasonable suspicion must be limited in scope based on the circumstances that justified the search in the first instance.

- A. All ~~requests or suggestions~~ recommendations for the search of a student or ~~his/her~~ the student's possessions shall be directed to the ~~principal~~ Principal.

~~() or the person in charge of the students while out of the District.~~

- B. Wherever possible, before conducting the search, the ~~building administrator~~ Principal shall notify the ~~student~~ student and request ~~his/her~~ the student's consent to the inspection if other than ~~his/her~~ the student's locker, ~~and inform the student that s/he may withhold consent~~ is searched. Such consent, if offered, shall be given voluntarily ~~and with the knowledge that it could have been withheld~~. The ~~principal~~ Principal shall conduct the search, however, with or without the student's consent.

- C. ~~Whenever~~ Whenever possible, an adult third party shall be present at any search of a student or ~~his/her~~ the student's possessions. ~~()~~ Whenever possible, the Principal shall request the assistance of the School Resource Officer to conduct the search under the Principal's direction. **[END OF OPTION]**

- D. ~~he 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~~ 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. The Principal shall create a record of any recovered items turned over to law enforcement. Confiscated items retained by the Principal shall be kept in a secured location.

- F. Wherever possible, the student shall be present at any search of ~~his/her~~ the student's possessions.

- G. The ~~principal~~ 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 objects found, and the disposition made of them, ~~and shall be kept in a secure location in his/her office~~. The record shall be kept in a secure location.

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 ~~principal~~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~~respecting the student's rights ~~and the potential consequences of inappropriate or hasty action~~. The Principal shall immediately contact law enforcement.

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; and
- 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. Search of a student's belongings in the locker or storage area, such as a backpack or purse, may only be conducted if there is reasonable suspicion that the contents may include evidence of a violation of policy or law, or if contents of such personal items are in plain view during the conducting of a locker search (e.g. the backpack is open and without searching through its contents some form of contraband is clearly visible). 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~~Principal. Unapproved locks will be removed and destroyed.
- B. The ~~principal~~Principal may search student lockers and storage areas at any time for any justifiable reason.
- C. The ~~principal~~Principal may, at any time, request assistance of the law enforcement 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, may be searched when the ~~principal~~Principal has reasonable suspicion for a search. Personal items in the desk or other storage areas, such as a backpack or purse, may only be searched if there is reasonable suspicion that contents of the item will include evidence of a violation of policy or law or if contents of such personal items are in plain view during the conducting of a search (e.g. the backpack is open and without searching through its contents some form of contraband is clearly visible).

Vehicles

- A. Any vehicle brought on District premises by a student may be searched when the ~~principal~~Principal has reasonable suspicion to justify the search.
- B. One of the conditions for granting permission for a student to ~~bring~~park a student-operated vehicle ~~onto~~on school premises is written consent by the student driver, the owner of the vehicle, and, if a minor, 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~~Principal when ~~s/he~~the Principal has reasonable suspicion for a search of that student. Authorized searches of the student's person must be limited in scope based on the basis of the information that provides reasonable suspicion to justify the search in the first instance. Where possible, school officials should request the assistance of law enforcement personnel to conduct a search under the school official's direction.

- B. Strip searches are not to be conducted by any official, employee, or agent of the District.
- C. 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 in the manner that is minimally intrusive to the student based on the reasonable suspicion justifying the search.
- D. Personal searches shall be conducted in a private room by a person of the same gender as the student and designated by the ~~principal~~Principal. 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~~A minor student's parents shall be notified of the search as soon as reasonably possible. Parent notification is not a prerequisite to conducting a search.

Use of Breath—~~Test~~Breath-Test Instruments

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

The ~~principal~~Principal shall attempt to contact the appropriate law enforcement agency and arrange for it to conduct the test. The ~~following procedure~~steps indicated below 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.
- 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 the student refuses to take the test, inform ~~him/her~~the student that refusal to participate implies an admission of guilt leading to disciplinary action. Allow the student a second opportunity to be tested, and if ~~s/he~~the student refuses again, ask the student to sign a refusal statement. Regardless of whether or not ~~s/he~~the student signs, prepare a written report of the incident.
- G. 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~~the staff member 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~~the staff member should supervise the student until ~~s/he~~the student is returned to the custody of ~~his/her~~the student's 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~~the presence of the dogs on school property must be authorized, in advance, by the principal or be pursuant to a court order or warrant;:-
- B. ~~The~~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~~the dog is represented by the Sheriff or Chief of the law enforcement agency providing the service as ~~able~~ capable ~~of~~trained to accurately ~~detecting~~detect 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;~~ and

If the dog indicates on a particular item, that shall be reasonable suspicion to conduct a search.

E. The dog may be allowed to examine school property such as lockers as permitted by the building ~~principal~~Principal. Any limitation as to areas of school property to be examined by the dog shall be established by the principal 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~~that 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 ~~principal~~Principal until it is presented at the hearing. It may also be turned over to any law enforcement officer after proper notation and receipt.

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