

Search and Seizure

REASONABLE SUSPICION

No pupil's outer clothing, pockets, or his or her personal effects (e.g., handbags, backpacks, etc.) shall be searched by authorized school personnel unless there are reasonable grounds to believe the search will reveal evidence that the pupil has violated or is violating either a school rule or the law.¹ Search of a pupil's person shall be conducted only with the express authority of the Principal/designee. **However, nothing herein will preclude a student from being subjected to a fixed or handheld electronic screening detector. An affirmative signal or response from a detector will serve as reasonable suspicion for a more intrusive search.**

AUTHORIZED PERSONNEL

Searches of a pupil's person or his or her personal effects shall only be conducted by a certified person directly responsible for the conduct of the pupil, **the Assistant Principal**, or the Principal/designee of the school which the student attends. However, when an immediate threat to the health or safety of others occurs off site with no certified employee reasonably available, a non-certified person (i.e., bus driver or coach/sponsor) that is responsible for the students is authorized to conduct the search of a student or his/her personal effects. **If possible, a witness shall be present during the search.** Examples of immediate threats would include reasonable suspicion of the presence of illegal drugs or a weapon.

WITNESS/PERSONAL SEARCHES

When a pat-down search of a pupil's person is conducted, the person conducting the search shall be the same sex as the pupil; and a witness of the same sex as the pupil shall be present during the search. In addition, no search of a pupil shall be conducted in the presence of other students.

These restrictions shall not apply to situations involving an imminent threat to **the health and safety of** students or staff where immediate action is required to prevent harm to health and safety.

STRIP SEARCHES

No strip searches of students shall be permitted. **The phrase "strip search" means requiring a student to remove any article of clothing, or requiring a student to lift or lower an article of clothing, thereby causing the exposure of undergarments to allow for a visual inspection. The required removal of shoes, socks, or a hat or the removal or arrangement of outerwear does not constitute a strip search.**

FAILURE TO COOPERATE

Students who fail to cooperate with school authorities when requested to shall be subject to other disciplinary action.

REGULAR INSPECTION

~~School property, such as lockers, desks, and network systems, technology resources and accounts owned or supplied by the District~~ are jointly held by the school and the pupil. School authorities have the right to conduct general inspection of all ~~school~~^{such} property **and resources** on a regular basis, **including but not limited to lockers and their contents, desks, and network systems, technology resources and accounts owned or supplied by the District.** During these inspections, items which are school property, such as overdue library books, may be collected. Students should not expect privacy **for** items **and information** left in such locations. A single desk, locker **or a technology resource/account** may be searched if reasonable grounds exist to believe that evidence of a violation of the law or a school rule is contained therein.

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ILLEGAL ITEMS

Illegal items (e.g., weapons, drugs, etc.) or other possessions reasonably determined by proper school authorities to be a threat to the pupil's health or safety or to others' safety and security may be seized by school officials.

TRAINED DOGS

Subject to the following conditions, the Superintendent or designee may authorize the use of trained dogs to locate contraband (prohibited items) on school grounds:

1. The Principal or Principal's designee shall be present.

~~1. The dogs shall be certified as never having been trained as attack dogs.~~

~~2. The Superintendent or designee shall be present.~~

2. The dogs may be used for blanket sweeps of lockers and other areas identified by the Superintendent or Principal. The dogs may also be used for individualized sniffs of lockers when a school official has reasonable suspicion that the particular locker contains contraband.

3. SearchesSweeps involving dogs shall be conducted only when students are not in the immediate area being searched (i.e. students shall be in classrooms or other designated safe areas); ~~no~~ No student or other unauthorized individuals shall be in the vicinity of lockers or otherthe sites being sweptsearched.

4. All dogs shall be on a leash or in the immediate control of the handler and willshall not be allowed to come in close proximity to any student or unauthorized individual.

5. The alert of a trained dog to an item or area shall qualify as reasonable grounds on which to base a further search.

4.6. The results of all searches by a trained dog to locate contraband on school grounds shall be immediately reported to the Superintendent, Principal and other appropriate officials once the search has concluded.

USE OF METAL DETECTORS

School administrators are authorized to use stationary or mobile metal detectors (i.e., electronic wands). Metal detectors may be used in the following circumstances:

1. To search an individual student or his/her personal belongings when there is reasonable suspicion to believe the specific student is concealing a weapon;
2. To search all students or their personal belongings upon entering the premises; or
3. To search students or their personal belongings on a random basis, provided adequate procedures are adopted and followed to ensure a random selection process.

Procedures setting guidelines for the use of metal detectors shall be developed and presented to the Board for review. All procedures for the use of metal detectors shall conform to applicable legal standards.² Parents/guardians and Sstudents shall be notified that metal detectors may be used and the circumstances for their use.

Search and Seizure**OTHER DISRUPTIVE ITEMS**

Items which may be used to disrupt or interfere with the educational process may be temporarily removed from the pupil's possession by a staff member. Such items may be returned to the pupil by the staff member or through the Principal's office.

DISPOSITION OF ITEMS

All items which have been seized shall be turned over to the proper authorities or returned to the true owner.

SCHOOL LAW ENFORCEMENT OFFICERS

This policy has no application to searches by law enforcement officers since these persons are police officers with the power to investigate crime committed on school property and to arrest for same. The law of search and seizure, applicable to police officers generally, governs the extent of their authority to conduct searches of pupils and to seize contraband which might be revealed by such searches.

REFERENCES:

¹New Jersey vs. T.L.O., 105 S.Ct. 733 (1985)

²OAG 94-58

KRS 161.180; KRS 531.335

Safford Unified School Dist. No. 1 v. Redding, 129 S.Ct. 2633 (2009)

RELATED POLICY:

09.4261