# DRAFT 10/1/18

# STUDENTS DK09.436

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, Assistant Principal, or Principal’s designee.

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 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. 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 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 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.

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 such property and resources on a regular basis. 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.

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 safety or to others' safety and security may be seized by school officials.

# STUDENTS DK9.436

#  (Continued)

Search and Seizure

Use of Metal Detectors

School administrators or designees trained in the equipment’s use are authorized to use stationary or mobile metal detectors. 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.
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 Students shall be notified that metal detectors may be used and the circumstances and procedures for their use.

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.

Use of Trained Dogs

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

1. The dogs shall be certified as never having been trained as attack dogs.
2. The Principal or the Principal's designee shall be present.
3. Searches involving dogs shall be conducted only when students are in classrooms or other designated safe area; no student shall be in the vicinity of the site being searched.
4. All dogs shall be on a leash and will not be allowed to come in close proximity to any student.

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 Policies:

08.2323; 09.4261