# DRAFT 2/6/2024

# STUDENTS DU09.436

Search and Seizure

Reasonable Suspicion

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

When there are reasonable grounds to believe that a search of a student or their personal effects will reveal evidence that the pupil has violated or is violating either a District policy or applicable law, a refusal by the student or their parent/guardian to permit the search shall result in disciplinary action as if the student had been found in possession of the item(s) the student is suspected of possessing. If a student fails to consent to a search, the student shall be informed of the consequences under this policy, and their continued refusal shall subject them to the disciplinary action outlined above.

Authorized Personnel

Searches of a student’s person or his or her personal effects or vehicle shall be conducted only by a school employee at the direction and control of the Principal/designee. 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 student’s person is conducted, the person conducting the search shall be the same sex as the student; and a witness of the same sex as the student 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.

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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.

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 Principal or the Principal’s designee shall be present.
2. 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.

All dogs shall be on a leash and will not be allowed to come in close proximity to any student.

Illegal Items

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

Use of Metal Detectors/Weapon Detectors

School administrators or designees trained in the equipment’s use are authorized to use stationary or mobile metal/weapon detectors. Metal/weapon 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 or other illegal item;
2. To search all students/others or their personal belongings upon entering the premises; and/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.

Other Disruptive Items

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

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Disposition Of Items

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

References:

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

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