# Draft 7/2/24

# STUDENTS X09.436

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/designee.

Authorized Personnel

Searches of a pupil's person or his or her personal effects shall only be conducted by a 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 a 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 and desks, are jointly held by the school and the pupil. School authorities have the right to conduct general inspection of all such property 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 to items left in such locations. A single desk or locker may be searched if reasonable grounds exist to believe that evidence of a violation of the law or a school rule is contained therein.

Any item on property under care custody and control of the District, including vehicles, backpacks, purses, bags, coats, other garments on school property shall be subject to a search if there is reasonable suspicion to believe that illegal drugs, alcohol, weapons, pharmaceuticals, stolen property, look-a-likes, or other items, substances or activities (or any contraband considered contrary to the educational purpose of the District) may be present that could be considered a violation of either school rules or the law.

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# (Continued)

Search and Seizure

Motor Vehicle Inspection

Driving rules shall be given to each driver, including a statement giving school officials the right to search a vehicle parked on school property and to search individual automobiles when conditions exist in the school or community that would cause reasonable suspicion that illegal drugs, alcohol, dangerous weapons, pharmaceuticals, stolen property, look-a-likes, or other items, substances or activities (or any contraband considered contrary to the educational purpose of the District) may be present that could be considered a violation of either school rules or the law.

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.

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.

Other Disruptive Items

Items that 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, parent, or guardian by the staff member or through the Principal's office.

Disposition Of Items

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

Use of Metal Detectors

School administrators are authorized to use stationary or mobile metal detectors (i.e. electronic wands) 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 at school;
2. To search all students or their personal belongings upon entering the premises; or
3. To search students or their 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 students shall be notified that metal detectors may be used and the circumstances and procedures for their use.

Any search of a student's person as the result of the activation of the detector will be conducted in private.

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# (Continued)

Search and Seizure

Use of Metal Detectors (continued)

In the enforcement of these provisions, Principals may authorize:

1. Unannounced inspections of pupils' desks and lockers;
2. Inspections of pupils' automobiles driven to school; and
3. Students' personal belongings if suspected to contain weapons.

Use of Trained Dogs

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

1. The Principal/designee shall be present.
2. The dogs shall be certified as never having been trained as attack dogs.
3. The dogs may be used for blanket sweeps of lockers. The dogs may also be used for blanket sweeps of vehicles on school property.
4. Sweeps involving dogs shall be conducted only when students are in classrooms or other designated safe areas. No student shall be in the vicinity of lockers or other sites being swept. All dogs shall be on a leash and will not be allowed to come in close proximity to any student during a search.
5. The alert of a trained dog to an item or area shall qualify as reasonable grounds on which to base a search.

References:

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

2[OAG 94-58](http://policy.ksba.org/documentmanager.aspx?requestarticle=/civil/opinions/OAG9458.htm&requesttype=oag)

KRS 16l.180; KRS 531.335

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

Related Policies:

08.2323, 09.223, 09.4261