

## SEARCH AND SEIZURE REGULATION

## I. Searches, in general.

- A. Reasonable and Articulate Suspicion: A search of a student will be justified when there are reasonable grounds for the suspicion that the search will turn up evidence that the student has violated or is violating the law or school district policy, rules, or regulations affecting school order.

Reasonable suspicion may be formed by considering factors such as the following:

- (1) eyewitness observations by employees;
- (2) information received from reliable sources;
- (3) suspicious behavior by the student; or,
- (4) the student's past history and school record, although this factor alone is not sufficient to provide the basis for reasonable suspicion.

- B. Reasonable Scope: A search will be permissible in its scope or intrusiveness when the measures adopted are reasonably related to the objectives of the search. Reasonableness of scope or intrusiveness may be determined based on factors such as the following:

- (1) the age of the student;
- (2) the sex of the student;
- (3) the nature of the infraction; and
- (4) the emergency requiring the search without delay.

## II. Types of Searches

A. Personal Searches

1. A student's person and/or personal effects (e.g., purse, backpack, etc.) may be searched when a school official has reasonable suspicion to believe the student is in possession of illegal or contraband items or has violated school district policies, rules, regulations or the law affecting school order.
2. Personally intrusive searches will require more compelling circumstances to be considered reasonable.
  - (a) Pat-Down Search: If a pat-down search or a search of a student's garments (such as jackets, socks, pockets, etc.) is conducted, it will be conducted in private by a school official of the same sex as the student and with another adult witness of the same sex present, when feasible.
  - (b) A more intrusive search, short of a strip search, of the student's person, handbags, book bags, etc., is permissible in emergency situations when the health and safety of students, employees, or visitors are threatened. Such a search may only be conducted in private by a school official of the same sex as the student, with an adult of the same sex present unless the health or safety of students will be endangered by the delay which may be caused by following these procedures.

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### B. Locker and Desk Inspections

Although school lockers and desks are temporarily assigned to individual students, they remain the property of the school district at all times. The school district has a reasonable and valid interest in insuring the lockers and desks are properly maintained. For this reason, lockers and desks are subject to unannounced inspections and students have no legitimate expectations of privacy in the locker or desk. Periodic inspections of all or a random selection of lockers or desks may be conducted by school officials in the presence of the student or another individual. Any contraband discovered during such searches will be confiscated by school officials and may be turned over to law enforcement officials.

The contents of a student's locker or desk (coat, backpack, purse, etc.) may be searched when a school official has reasonable and articulable suspicion that the contents contains illegal or contraband items or evidence of a violation of law or school policy or rule. Such searches should be conducted in the presence of another adult witness when feasible.

### C. Automobile Searches

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of the student parking lots. The interior of a student's automobile on the school premises may be searched if the school official has reasonable and articulable suspicion to believe that illegal, unauthorized or contraband items are contained inside.

### D. Use of Dogs to Search School Property

1. The Superintendent or designee shall authorize the search and the Principal or his/her designee shall be present while the search is taking place.
2. Parents and students shall be notified in writing of this policy at the beginning of each school year, through its inclusion in the student and/or parent handbook and/or on the District's/school's website.
3. All school property such as lockers, classrooms, parking areas and storage areas may be searched.
  - a. Dogs shall not be used in rooms occupied by persons except for demonstration purposes with the handler present.
  - b. When used for demonstration purposes, the dog may not sniff the person or any individual.
  - c. The dogs may sniff the air around lockers, desks, or vehicles on District property or at District-sponsored events as long as they are not allowed to sniff within close proximity of any student's person.
  - d. Individual(s) shall not be subjected to a search by dogs. To avoid the potential of allergic reactions, dogs shall be kept away from the students.
4. Once notification has been given to parents and students, through the inclusion of the policies in the student/parent handbook and/or on the District's/school's website, the school district will have met its obligation to provide written notice of the searches. Additional notices need not be given and actual times or dates of planned searches

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need not be released in advance.

5. Only properly trained dogs that are handled by trained personnel shall be used for searches of school property.
6. Only the dog's official handler will determine what constitutes an alert by the dog. If a dog alerts on a locker and a search is subsequently conducted by school officials, the search will be conducted in the presence of the student(s) whose locker(s) is/are being searched or, in the absence of the student(s), the search shall be conducted in the presence of at least one other person. If a dog alerts on a locked vehicle, the student who brought it onto District property shall be asked to unlock it for a search conducted per procedure outlined in Board of Education Policy. An effort shall be made to protect the student's privacy to the greatest degree possible.
7. Law enforcement agencies will be contacted to investigate, handle and confiscate any illegal substances or materials found during the school's search and students with such substances or materials may be subject to criminal prosecution in addition to any school disciplinary action.

Approved: November 12, 2018

Reviewed: \_\_\_\_\_

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