

## **Search and Seizure BP #####**

[District] is fully committed to promoting a safe and healthy school environment that support all students in every aspect of their education and wellbeing, which includes eliminating the possession and use of weapons, illegal drugs, and other controlled substances on school premises and at school activities. Only as necessary to protect the health and welfare of students and staff, under limited circumstances outlined in this policy, school officials and staff may search students, their property, and/or district property under their control and may seize illegal, unsafe, or otherwise prohibited items under the circumstances described in this policy.

The [District] Board urges that employees exercise discretion and good judgment that respects student dignity and promotes a positive school climate. When conducting a search or seizure, school officials and staff shall act in accordance with the law, [District] Board policy, and administrative regulations.

Within three months of this policy's adoption, the [District] shall ensure that it is distributed to all current and new school staff and that training is provided at least once per year.

### **Individual Searches**

School officials and staff may search any individual student or his/her property within the student's wingspan, or [District] property under the student's control when there is individualized and reasonable suspicion that the search will uncover evidence that the student is violating the law, [District] Board policy, administrative regulation, or other rules of the [District] or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation. Curiosity, rumor, hunch, mere disruptive activity, attempts to shield private possessions from view, or invocations of a student's constitutional rights cannot form the basis for said reasonable suspicion. Searches may not be conducted to find evidence of other students' violations of school rules.

Any search of a student, his/her property, or district property under the student's control shall be limited in scope and designed to produce evidence related to the alleged violation. Factors to be considered by school officials when determining the scope of the search shall include the danger to the health or safety of students or staff, such as the possession of weapons or other dangerous instruments, and whether the item(s) to be searched by school officials are reasonably related to the contraband to be found. In addition, school officials shall consider the intrusiveness of the search in light of the student's age, gender, and the nature of the alleged violation. All efforts will be made to avoid searching students during instructional time.

This policy does not apply to searches of cell phones or other electronic signaling devices, as to which Board Policy ##### - Cell Phones and Other Electronic Devices on Campus applies.

School officials and staff shall not conduct strip searches or body cavity searches of any student. School officials and staff may not require students to remove or lift any items of clothing during a search.

Searches will be conducted by or under the supervision of the school site administrator or certificated designee. It is preferred that searches be made in the presence of at least two

[District] employees. Any [District] employee conducting a student search shall be of the gender identity of the student's choosing.

The principal or designee shall notify the parent/guardian of a student subjected to an individualized search in writing immediately after the search.

The Superintendent or designee will also ensure that both students and parents are notified of the policy herein stated by sending a written communication to parents at the opening of each school year and by including it in the Parent-Student Handbook.

All searches and pat downs that take place at school should happen outside the view of other youth (unless emergency situations make it impossible), to maintain the student's privacy and to decrease public embarrassment, humiliation, and any other future stigmatization and discrimination against the student(s) involved.

The Superintendent shall create and disseminate a policy regarding the return of seized student property. Seized items, such as electronics, clothing, or personal effects will be returned to the student at the end of the school day unless they are controlled or illegal substances. Seized items will only be turned over to law enforcement if these items are part of a criminal investigation, otherwise, seized items will be disposed of by the administration.

### **Searches of Student Lockers/Desks**

Because lockers and desks are under the joint control of the student and the [District], school officials shall have the right and ability to open and inspect any school locker or desk without student permission or prior notice when they have reasonable suspicion that the search will uncover evidence of illegal possessions or activities or when odors, smoke, fire and/or other threats to health, welfare or safety emanate from the locker or desk. Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned. The contents of any closed or sealed student belongings found in a locker shall not be searched without individualized and reasonable suspicion that it will contain evidence that the student is violating the law, [District] Board policy, administrative regulation, or other rules of [District] or the school.

Immediately upon seizing any item from a student locker or desk, the [District] official who conducted the search shall record the time, place, circumstances of the search, and list all items seized. The [District] official shall file such report with the school principal's office along with any item seized which shall be sealed and stored appropriately to assure that it is not tampered with or destroyed. The student shall be dealt with in accordance with [District] policies concerning disciplinary procedures.

If [District] officials confiscate any student possessions that should be returned to the student, they must maintain it in a secure location and make it available to the student at the end of the school day.

### **Use of Metal Detectors**

The [District] understands that the use of metal detectors harms school climate and student education and should only be used in extremely limited circumstances. Before implementing such searches, the [District] shall conduct a study of the effectiveness of such searches and shall provide stakeholders, including parents, students, and educators, the opportunity to provide input.

The use of metal detector searches shall only be conducted where school administrators have established the existence of a documented safety concern and where administrators have been unable to resolve the concern through less-restrictive means, including restorative justice and positive behavior intervention and support. In the limited circumstances when the [District] uses metal detector searches, the [District] shall conduct a monthly assessment of whether (1) the searches remain justified because of a continuing, specific, and documented safety concern, (2) the metal detector searches have been effective in improving school safety, and (3) there have been any negative impacts upon students or school climate as a result of the use of metal detector searches. During each assessment, if the [District] believes the searches must continue, the principal of the school site where the searches are conducted shall attest that the searches are conducted in a uniform, consistent, and non-discriminatory manner.

The Superintendent shall establish a plan to ensure that metal detector searches are conducted in a uniform, consistent, and non-discriminatory manner. The plan shall ensure that parents and students receive prior notice of the metal detector searches and shall minimize the intrusion into student privacy during each phase of the search.

### **Use of Contraband Detection Dogs**

The [District] understands that the use of contraband detection dogs harms school climate and student education and should only be used in extremely limited circumstances. Before implementing such searches, the [District] shall conduct a study of the effectiveness of such searches and shall provide stakeholders, including parents, students, and educators, the opportunity to provide input.

The use of canine searches should only be conducted where school administrators have established the existence of a documented safety concern that can only be specifically remedied by canine searches, and where administrators have been unable to resolve the concern through less-restrictive means including restorative justice and positive behavior intervention and support.

In the limited circumstances when the [District] uses canine searches, it may only use specially training, nonaggressive dogs. The dogs may sniff the air around lockers, desks, or vehicles on [District] property or at [District]-sponsored events. Dogs shall not sniff within the close proximity of students or other persons and may not sniff any personal items on those persons without their consent.

Prior to conducting an inspection, students shall be asked to leave the room that will be subject to the canine sniff. No student shall be forced to leave personal items behind for inspection, unless specific, credible, and objective facts give rise to a reasonable suspicion about the imminent presence of harmful or dangerous controlled substances on a campus where a controlled substance crisis exists, in which case students may be separated from their backpacks, containers, and belongings, which may be sniffed by specially trained, non-aggressive dog. Only the dog's official handler shall determine what constitutes an alert by the dog. If the dog alerts on a particular item or place, the student having the use of that item or place, or responsibility for it, shall be called to witness the inspection.

**Policy**

**Adopted:**

**Revised:**

**[District]**

**[Location]**