

10600 STUDENT WELFARE**10620 Student Search**

The District strives to provide a safe and tranquil learning environment. Without a prevailing sense of safety, students cannot effectively learn and teachers cannot effectively teach. This environment of safety is breached when students bring to school property items which break school rules and/or cause harm or disruption such as weapons and drugs.

Because students are not necessarily forthcoming and truthful about the possession of such harmful items, the District has occasionally found it necessary to search students' possessions, clothing and, sometimes, students' persons in order to preserve the safe learning environment. In carrying out these searches, however, the District also recognizes that students enjoy individual liberty rights and that students should not be subject to arbitrary searches without proper cause. The purpose of this Policy is to lend definition to the balance between the protection of the safe learning environment and the protection of students' individual liberty rights.

Searches of students and their belongings may occur when there exist facts, allegations, or circumstances that create a reasonable suspicion of:

- a. A violation of school laws, rules, regulations or policy;
- b. Harm to student's self or another
- c. Harm to or theft of property; or
- d. Possession of instruments or materials used or potentially used in the behavior described in the preceding three subparagraphs.

The District acknowledges that it is impossible to make an exhaustive list of all facts, allegations, and circumstances which rise to the level of reasonable suspicion. However, by way of example, the District does provide the following list of circumstances which might rise to the level of reasonable suspicion:

- a. An odor of cigarette, marijuana smoke or other improper substance
- b. Secretive or furtive behavior and fleeing when approached
- c. Bulging pockets or other unusual clothing appearance
- d. Previous record of wrongdoing together with furtive or secretive behavior
- e. Accusation of wrongdoing from other students
- f. Observation of drug paraphernalia or other contraband near a student or
- g. Threats of physical harm making specific reference to a weapon.

Reasonable suspicion need not be based on a single factor. In determining whether it is appropriate to initiate a search, the District may take into account the totality of circumstances including historical events of which the District is aware. Additionally, when by a student's confession or by initial search the District discovers an improper item, the discovery of that item may, in and of itself, be reasonable grounds upon which to conduct a more extensive search.

The scope and the conduct of a search depends upon the circumstances that prevail in that particular situation. There exists a spectrum of search possibilities ranging from the minimally intrusive search, such as a metal detector search, to a more intrusive search such as examination of handbags, backpacks or pocket contents, to an even greater level of intrusion such as "pat-down" searches, with the spectrum terminating at the other extreme of "strip-body" searches.

While it is impossible to provide specific rules as to the breadth of any given search, District personnel should, in each given situation, take into account the age of the student, the nature of the offense, and the potential for the risk of harm to the student or to others. As a means of general guidance, it can be said that as the age of the student and the risk of the harm to self or others increases, the level of search intrusiveness that is warranted also increases.

Except in situations of emergency, it is the policy of the District that any search that involves the touching of a student's person be conducted by a school Administrator or teacher of the same gender as the student and that two school personnel (not necessarily of the same gender) be present at the time of such search. It is also the policy of the District that police may be involved and confiscated items turned over to police as a result of searches performed and items discovered.

Random or General Searches

Under certain circumstances, random or general searches of students and their belongings, including student lockers or vehicles parked on school property, may be conducted during the school day or upon entry into school buildings or school activities, in the absence of suspicion focused on a particular student or students, for the purpose of finding or preventing entry onto school property or activities of controlled substances, weapons or other dangerous materials. Such searches normally will be conducted in a minimally intrusive manner using screening methods such as dogs or other animals trained to detect controlled substances, explosives or other harmful materials by smell, as well as metal detectors and other technology. When such screening methods provide a reasonable suspicion that particular students, items or places possess or contain controlled substances, weapons or other dangerous material, screening may be followed by physical searches of those particular students, items or places on an individualized basis.

Random or general searches for weapons may be conducted when circumstances, information or events exist which tend to indicate an increased likelihood that students may be armed or headed for physical confrontation because of community strife or

tensions, or as a continuation or escalation of a prior incident, in or out of school, which threatens to spill over into school, into a school-sponsored activity, or into other times and places that students are under school supervision. **Such a search may include the use of a metal detecting device as point of entry search for all students that is a precondition to entry of a school, subject the following requirements:**

1. All students shall be searched unless the search area becomes too crowded, at which point students may be chosen at random by the employee conducting the searches.

2. Written notice that all students may be subject to point of entry search as a precondition of entry to a school shall be published annually in the Student Handbook, mailed to parents prior to the start of each year, and posted prominently throughout each school.

Random or general searches for controlled substances may be conducted when circumstances, events or information exist which tend to indicate significant drug use, possession or trafficking among students in school.

Random or general searches not based on individualized suspicion must be approved in advance by the Superintendent or designee, in consultation with the district solicitor. Coordination with law enforcement officials will be accomplished as provided in the memorandum of understanding with the applicable law enforcement agency.

Searches upon Consent

Searches may be conducted at any time, with or without reasonable suspicion, if the student has given knowing and voluntary consent specific to the place to be searched.

The District may establish rules and procedures governing certain privileges enjoyed by students, such as the privilege of parking a vehicle on school grounds, that make the student's consent to random searches or inspections a condition of access to the privilege.

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