

BOARD POLICY 446

SWALLOW SCHOOL DISTRICT
BOARD OF EDUCATION POLICY

SEARCHES AND SEIZURES

School officials have an affirmative duty to investigate any suspicion that conduct or materials dangerous or harmful to the health and welfare of students or school personnel or property are present within the school. School officials shall cooperate with law enforcement personnel in any such investigation.

1. Who May Conduct a Search

a. A school official or designee and one additional person may conduct a search.

(1) A school official is defined as the Superintendent or the principal.

(2) A designee is defined as any school district employee designated by a school official for the purpose of conducting the search.

b. On a field trip, during a co-curricular activity, or on a school bus, any school official or designee, may conduct a search without an additional person. Any search must be conducted within the guidelines of the regulation covered under Section 3 of this Policy.

2. Documentation

For all searches, the individual doing the search shall maintain a written record of all actions leading up to and including the search. Such documentation should contain the following information:

- Reason for the search
- Information relied on
- Person or locker searched
- Items found
- Items seized
- Disposition of the matter
- Signatures
- Date

_____ Initials _____

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3. Search of Students

In the interest of the welfare of the students and the school community, it may be necessary to search a student or the student's property. The search may be conducted if the school official or designee has a reasonable suspicion that the student has obtained or is in the possession of items in violation of school regulations that need to be returned to the rightful owner, or to protect the health and welfare of the student and student body.

No school official may conduct such a search unless there is reasonable suspicion, based on reliable information or personal observation, that a student is in violation of school rules, local ordinances, or state statutes.

In such cases, the following procedure will be used:

- a. The student will be informed of the reason for conducting the search, and
- b. Permission of the student will be requested to conduct the search

(1) Conducting the search with the student's consent

The school official or designee who is conducting this search has the right to request a student to empty pockets, purses, backpacks, or other articles used to carry personal effects, to remove hats and shoes or to roll down socks. The school official or designee can also request a student to remove outer garments, such as sweatshirts, sweaters, jackets, or vests, if worn over blouses, shirts, or t-shirts. No school official or school employee has the right to request the removal of any other clothing or to conduct a strip search as defined under Section 3-b(2)(c) of this Policy.

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The school official or designee who conducted the search will notify the student's parent or guardian of the reason for such search.

(2) Procedure if a student refuses to cooperate.

If a student refuses to cooperate, the school official or designee has the authority to proceed, subject to the limitations described below:

(a) K-8 Grade Students

An attempt will be made to contact the student's parent or guardian in order to request that the parent or guardian encourage the student to cooperate. If the parent or guardian cannot be reached or if the student continues to refuse to cooperate, the school official or designee may turn the matter over to law enforcement officials for appropriate action. The student may be detained until the law enforcement official arrives.

If the parent or guardian has not been contacted and the law enforcement officials are involved, the school official or designee will notify the parent or guardian as soon as possible as to the reason for such search.

(b) Danger to Students or Other Individuals

If a school official or designee has reason to suspect that a student is carrying a dangerous or illegal item or substance and if a school official or designee believes that an immediate search is necessary, the school official or designee may have the student empty any pockets in clothing and may search the student's belongings. The student may be detained until such time as a law enforcement official arrives.

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(c) A strip search will never be conducted by a school official or designee.

(3) Involvement of Law Officials

Rather than conduct a search, a school official or designee has the right to contact a law enforcement official to take appropriate action.

4. Search of Lockers and Storage Areas

The school has provided storage areas for the purpose of providing students with a convenient receptacle for clothing, books, and other articles necessary or convenient for a student's use during the day. Storage areas include, but are not limited to, student lockers, student desks, and tote trays. The student has no property interest in any storage area. Storage areas are subject to search by the administration or their designee to protect the health and welfare of the student body. A search will be conducted only when there is reason to suspect violation of the law or school rules and regulations. Authorization to search a locker will be given only by the Superintendent or principal. The search, if practical, will be made in the presence of a school employee and the student. A record will be kept by the school of all lockers searched, including the reason for the search and the findings. It is recognized that all lockers are opened or inspected for housekeeping and repair purposes periodically.

References: Student/Storage Area Search Form

_____ Initials _____

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APPROVED: February 15, 1995

REVISED: October 9, 1996; March 15, 2006; January 16, 2008

EDITED: July 19, 2010, May 16, 2012

Confirmed by: _____, President

_____, Clerk