



SEARCH AND SEIZURE – POLICY 5771

The School District of Monroe Board of Education has charged District officials with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, District officials may search school property such as in-school storage spaces used by students. District officials may also search the person or possessions of students, as well as the vehicles of students. All such searches will be in accordance with the following policy.

Searches under this policy will be performed by the following District officials: the District Administrator, building principals, and assistant principals. If the aforementioned District officials are not available to conduct a search and circumstances warrant a search under this policy, a professional staff member or athletic head coach may be deemed a District official under this policy.

District officials may request the assistance of the school resource officer and other law enforcement agencies in implementing any aspect of this policy. Where law enforcement officers participate in a search on school property or at a school activity pursuant to a request from District officials, the search shall be conducted by the law enforcement officers at the direction of a District official. Law enforcement searches conducted independent of any District official's request or direction shall be conducted based on the standards applicable to law enforcement.

The District official conducting the search shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object, or any evidence of a violation of a law or school rule found during a search under this policy. Any such evidence shall be seized and properly catalogued for use as evidence in criminal or school disciplinary proceedings, as appropriate.

The District Administrator shall prepare administrative guidelines to implement this policy.

Searches of Lockers and Other In-School Storage Places

The Board acknowledges the need for lockers and other in-school storage places for student possessions and shall provide storage places, including, but not limited to, desks and lockers, for that purpose. Such storage places are public property, and District officials may make reasonable regulations regarding their use. The District retains ownership and possessor control of all such storage places, and the same may be searched by District officials at any time determined necessary or appropriate by District officials. A showing of reasonable cause or suspicion is not a necessary precondition to a search under this paragraph. Students shall have no expectation of

privacy in such storage places as to prevent examination by a District official. The Board directs that searches of such storage places may be conducted by the District Administrator, building principals, and assistant principals. If the aforementioned District officials are not available to conduct a search and circumstances warrant a search, a professional staff member or athletic head coach may conduct a search of such storage places. The school resource officer and other law enforcement may also conduct searches of such storage places at the direction of District officials, The Board directs the school principals to provide students with written notice of this paragraph of the policy at least annually.

Searches of a Student's Person and Possessions

The Board recognizes that the privacy of students may not be violated by unreasonable search and seizure and directs that no student or student's possessions be searched without reasonable suspicion that the search will produce evidence that the student has violated or is violating either a particular law or a rule of the school. Any search under this paragraph must be reasonable in scope and reasonable in the manner in which it is conducted. The scope of the search will be governed by the nature of the suspected infraction, the student's age and gender, and any other relevant circumstances or information.

District officials should attempt to obtain the freely-offered consent of the student to the search. Written consent is preferable, but oral consent is sufficient. However, provided there is reasonable suspicion pursuant to the above paragraphs, District officials may conduct the search without such consent. The search will be conducted by the District official in the presence of the student and another staff member. Any search of a student's person or intimate personal belongings should be conducted by a person of the student's gender, in the presence of another staff member of the same gender as the student, and in a manner that is minimally intrusive to the student based on the reasonable suspicion justifying the search.

A search prompted by the reasonable suspicion that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property. In such situations, the District official may choose not to first attempt to obtain written or oral consent of the student prior to the search and may search the student without the presence of another staff member, regardless of the gender of the District official and the student.

Under no circumstances shall a District official ever conduct a search of a student in which the student's genitals, pubic area, buttock or anus, or a female person's breast is uncovered and either is exposed to view or is touched by a person conducting the search.

This authorization to search shall apply to all situations in which the student is under the jurisdiction of the Board, including any District-related activity.

Searches of a Student's Vehicle

Permission for a student to bring a vehicle on school property shall be conditioned upon written consent for the search of the vehicle and all containers inside the vehicle by a District official with reasonable suspicion to believe that the search will produce evidence of a violation of a particular law, a school rule, or a condition that endangers the safety or health of the student driver or others. If a District official determines a search is necessary, he or she shall attempt to obtain the freely-offered consent of the student to search the vehicle and all containers inside the vehicle. Written consent is preferable, but oral consent is sufficient. If such consent is not given, a District official may proceed with the search as long as the District official has reasonable suspicion that the search will produce evidence of a violation of a particular law, a school rule, or a condition that endangers the safety or health of the student driver or others.

Searches Using Dogs

The Board authorizes the use of specially-trained dogs to detect the presence of drugs and devices such as bombs on school property under the following conditions:

- A. The presence of the dogs on school property is authorized in advance by the District Administrator, except in emergency situations, or is pursuant to a court order or warrant.
- B. The dog must be handled by a law enforcement officer or organization specially trained to safely and competently work with the dog.
- C. The dog is represented by the Chief of the law enforcement agency providing the service as capable of accurately detecting drugs and/or devices.

Searches for Alcohol Use

Students must provide samples of their breath for the purpose of determining the presence of alcohol when District officials have reasonable suspicion that the students are under the influence of alcohol while on school premises, in a motor vehicle owned, rented, or consigned to the school, or while participating in a school-sponsored activity. When a District official has such reasonable suspicion, the District official may search the student for alcohol use using a breath screening device approved by the department of transportation for the purpose of determining the presence of alcohol in a person's breath.

The results of the breath screening, or the fact that a student refused to submit to breath screening shall be made available for use in any proceeding regarding the discipline of a student due to alcohol use. Any student that is under the influence of alcohol while on school premises, in a motor vehicle owned, rented or consigned to the school, or while participating in a school-

sponsored activity, as well as any student that refuses to submit to breath testing will be disciplined or referred to treatment in accordance with Policy 5530 - Drug Prevention and the applicable Code of Conduct established by Policy 5600 - Student Discipline.

© Neola 2017