

NUMBER:	PS 435
EFFECTIVE:	02/09/1977
REVISION:	03/13/1996
PAGES:	3

Statement of.....

Policy and Responsibility

SUBJECT: SEARCH AND SEIZURE

I. BOARD POLICY

It is appropriate that schools respect students' need for and right to privacy. However, school authorities are charged with protecting the health and safety of all students and promoting the effective operation of the schools. The interest of individual members of society in securing personal privacy must be balanced against the collective interest of society in obtaining the results of the search. The following guidelines shall be observed to assure the privacy of individuals and the safety and welfare of all students.

II. GUIDELINES

1. Searches of students shall only be conducted when a school official has reasonable suspicion predicated on one or more of the following:
 - Reliable reports and/or information from credible sources made known to school officials. If the source is anonymous, the information must show that the informant has a relationship to the school or student to give it credibility.
 - Observation of suspicious or evasive behavior suggesting violation of a school policy or law, or concealment of contraband, weapons, or stolen property.
 - Observation of a student engaging in prohibited conduct or being in a restricted area.
2. Any search conducted in accordance with this policy shall be carried out by the principal or the principal designee.
 - A. Student
 - (1) A student shall be free from searches by school officials of his/her clothing and other personal property unless there is reasonable cause to believe that something is concealed that may be of immediate danger to the student or to other students or the staff. School officials may request a student to remove all items from pockets or other personal property.

- (2) Failing compliance by a student to the foregoing request, and in the absence of immediate danger, the school officials shall refrain from searches and shall call in the parents or, in possible criminal activity, the police.
- (3) In the case of perceived immediate danger, school officials may require a student to remove all items from pockets or other personal effects. In such instances and as a last resort, force may be used if necessary.

B. Lockers

- (1) Lockers remain the property of the school and are provided to students. The rights of personal property, however, as well as the rights of the school, must be afforded consideration. The school principal or other faculty member designated is authorized to open lockers and to examine their contents including personal belongings of students only when such school official has reasonable cause to believe that the contents threaten to adversely affect the safety, health or welfare of students or include stolen property.
- (2) If the student is present, the school official shall advise him of the circumstances justifying the search and seizure of the objects which the official believes the search may disclose. If the student is not present, he/she shall be informed as soon as reasonably possible of the search. Stolen items and items which are inherently dangerous or specifically prohibited by law, Board Policy, or school regulations may be impounded. The student shall be given a receipt for any items impounded by school authorities and parents shall be notified of any items impounded.

C. Vehicles

- (1) The school administration regulates admission to parking lots and the parking of vehicles on these lots.
- (2) School principals have the right and the duty to inspect and search any vehicle parked on the parking lot of their school when such official has reasonable cause to believe that the contents threaten to affect adversely the safety, health, or welfare of students, or if they reasonably suspect, upon information received from police or otherwise, that drugs, weapons, dangerous, illegal or prohibited matter, or stolen goods from the school are likely to be found therein.
- (3) If the student is present, the school official shall advise him of the circumstances justifying the search and seizure of the object which the officials believe the search may disclose. If the student is not present, he/she shall be informed as soon as reasonably possible of

the search. Stolen items and items which are inherently dangerous or specifically prohibited by law, Board Policy, or school regulations may be impounded. The student shall be given a receipt for any items impounded by school authorities and parents shall be notified of any items impounded.

3. The school principal may turn the fruits of such search over to the police for inspection or examination. These may be the subject of criminal or juvenile court prosecution, or of school disciplinary proceedings.
4. Impounded Property

Any property impounded by school authorities pursuant to this Policy shall be treated as follows:

- A. Any items which are specifically prohibited by law shall be turned over to the appropriate law enforcement agency.
- B. Any items which the school authorities have reasonable grounds to believe are stolen shall be turned over to the appropriate law enforcement agency unless the school authorities are directed by the law enforcement agency to turn the items over to the owner thereof.
- C. Any items which though not specifically illegal, are inherently dangerous, specifically prohibited by Board Policy or school regulations, may, in the discretion of the school authorities, be turned over to the appropriate law enforcement agency or to the parent or legal guardian of the student.
- D. School authorities may retain possession of any impounded items until such time as the school authorities have concluded any discipline of the student associated with the possession of the items.