

Board File: JIH – Student Interviews, Searches and Arrests

The Board of Education seeks to maintain a climate in the schools that is conducive to learning and protective of the safety and welfare of staff and students. Students are expected to conduct themselves in a manner compatible with the school's function as an educational facility, and in accordance with the District policies and regulations concerning student conduct and discipline, including but not limited to the grounds for suspension, expulsion and classroom removal in policy JKD/JKE. Conduct that disrupts or threatens to disrupt the operation of a school, that interferes in any way with the public or private rights of other students or citizens, that threatens or endangers the health or safety of any person, or that damages property, will not be tolerated.

In furtherance of efforts by school officials to maintain a safe and respectful learning environment conducive to learning, it may be necessary for school personnel to search the person and/or the personal property of the student and to seize any property deemed injurious or detrimental to the safety and welfare of students and staff. In doing so, school officials shall afford students the protections to which they are entitled under the Constitution and student interviews and searches shall be conducted consistent with applicable legal safeguards.

Should any student with a disability be the subject of a search or interview, any accommodations or safeguards outlined in a student's IEP, Section 504 Plan, or Behavior Intervention Plan shall be provided and/or followed when conducting the search or interview.

DEFINITIONS

1. **Interview**: The questioning of a student who may be a witness or victim of an incident or the questioning of a student suspected of violating any school rule, the Code of Student Conduct and/or Board policy.
2. **Reasonable Suspicion and Reasonable Grounds to Suspect**: "Reasonable suspicion" is the standard for a search on school property or at school activities carried out by school authorities. Reasonable suspicion should be based on facts provided by a reliable informant or personal observation that cause the school official to believe, based on the official's experience, that the search of a particular person, place or thing would lead to the discovery of evidence of a violation of any school rule, the Code of Student Conduct and/or Board policy. "Reasonable suspicion" requires more than a generalized suspicion or a mere hunch, but does not require certainty (considerably less than proof of wrongdoing by a preponderance of the evidence), that a violation has occurred. For example, it may be based upon, among other things, direct observations or the reported observations or experiences of others. It involves a common sense and reasonable person's conclusion about human behavior based upon all of the circumstances presented.

3. **Reasonable Grounds for a Search**: More than a generalized suspicion or a mere hunch, but not requiring certainty, that a search will uncover evidence that the student violated any school rule, the Code of Student Conduct and/or Board policy.

4. **Contraband**: All substances or materials prohibited by Board policy including but not limited to illegal drugs, illegal drug paraphernalia, alcoholic beverages, and dangerous weapons or facsimiles as described in Policy JICI, including: loaded or unloaded firearms, including a starter gun, which will, is designed to, or may readily be converted to expel a projectile by the action of an explosive; the frame or receiver of a firearm, and any firearm muffler or firearm silencer; any explosive, incendiary, poison gas, bomb, grenade or similar device; pellet or BB guns or other devices designed to propel projectiles by spring action or compressed air; fixed-blade knives longer than three inches, pocket knives with blades longer than 3 ½ inches; any knife if used or presented in a threatening manner; and, any object, device, instrument, material or substance used or intended to be used to cause serious bodily injury.

INTERVIEWS

Interviews by School Administrators

The school principal or designee may, without prior consent of the parent, guardian, or legal custodian, question a potential student victim, witness, or student who may have relevant information related to an alleged violation of any school rule, the Code of Student Conduct and/or Board policy. However, the school administrator must have reasonable grounds to suspect that the student committed such a violation. The nature and extent of the questioning must be reasonably related to the objectives of the questioning. Circumstances may arise where it would be advisable to have another adult present during questioning of students.

If the student denies any involvement or culpability, the student will have an opportunity to present the student's side of the story, orally or in writing.

SEARCHES

Searches by School Personnel

Searches may be conducted by a school official who has reasonable grounds for suspecting that a search will turn up evidence that the student has violated any school rule, the Code of Student Conduct and/or Board policy. Any search conducted by a school official shall respect the privacy of the student and not be any more intrusive than necessary considering the age of the student and the nature of the suspected infraction.

Whenever possible, the student shall be informed of the reason(s) for conducting the search and the student's permission to perform the search shall be requested. A student's failure to

cooperate with school officials conducting a search shall be considered grounds for disciplinary action.

An administrative report shall be prepared by the school official conducting a search explaining the reasons for the search, the results and the names of any witnesses. If the search produces evidence to be used as the basis for disciplinary action, the report shall be filed in the student's discipline file.

Search of School Property

School lockers, desks and other storage areas, or school-owned electronic devices, are school property and remain at all times under the control of the school. All such lockers, desks and other storage areas, or school-owned electronic devices, as well as their contents, are subject to inspection at any time, with or without notice and without student consent. School property provided for the use of students is subject to clean-outs, access for maintenance and search pursuant to this policy.

Students shall assume full responsibility for the security of their lockers and/or other storage areas in the manner approved by the administration. Students shall be responsible for whatever is contained in desks and lockers assigned to them by the school as well as for any loss or damage relating to the contents of such desks and lockers.

Students are expected to assume full responsibility for the security of their lockers. However, no student shall lock or otherwise impede access to any locker or storage area except with a lock provided by or approved by the principal of the school in which the locker or storage area is located. Unapproved locks shall be removed.

Parking Lot/Vehicle Searches

The privilege of bringing a student-operated motor vehicle onto school premises is conditioned on consent by the student driver to allow a search of the vehicle when there is reasonable suspicion that the search will yield evidence of contraband. Refusal by a student, parent/guardian, or owner of the vehicle to allow access to a motor vehicle on school premises at the time of a request to search the vehicle shall be cause for termination of the privilege of bringing the vehicle on to school premises. Refusal to submit to search also may result in disciplinary action and notification of law enforcement officials.

Routine patrolling of student parking lots and inspection of the outside of student automobiles shall be permitted at all times.

Search of the Student's Person or Personal Effects

The principal or his designee may search the person of a student or a student's personal effects such as a purse, backpack, book bag, or briefcase on school property or at school-sponsored events or activities if the school official has reasonable suspicion to believe that the search will uncover:

- a. Evidence of a violation of any school rule, the Code of Student Conduct and/or Board policy.
- b. Anything that, because of its presence, presents an immediate danger of physical harm or illness to any person.

Search of the person shall be limited to the student's pockets, any object in the student's possession such as a purse, briefcase, or backpack and/or a "pat down" of the exterior of the student's clothing.

If a handheld metal detecting wand is available and the appropriate training has been completed to operate the wand, the wand may be used in lieu of a pat down to detect contraband.

The extent of the search of a student's person or personal effects, as well as the means to conduct the search, must be reasonably related to the objectives of the search and the nature of the suspected violation.

Searches of the person shall be conducted out of the presence of other students and as privately as possible, in light of the age of the student. At least one but not more than three additional persons of the same sex/gender as the student being searched shall witness but not participate in the search.

Searches of a student's person and/or personal effects may be conducted without the prior consent of the student's parent/guardian.

The parent or guardian of any student searched shall be notified of the search as soon as reasonably possible.

Searches of the person that may require removal of clothing other than a coat or jacket or shoes, shall be referred to a law enforcement officer. School personnel shall not participate in such searches.

Seizure of Items

Anything found in the course of a search conducted by school officials that is evidence of a violation of law or Board policy or school rules or that by its presence presents an immediate

danger of physical harm may be seized, tested and/or offered as evidence in any suspension or expulsion proceeding. Such material shall be kept in a secure place by the principal until it is presented at the hearing. If testing a substance has shown it to be a controlled or counterfeit substance, written documentation or the identification of the substance shall be maintained and admitted as evidence in any suspension or expulsion proceeding.

Items seized pursuant to this policy may also be turned over to law enforcement, as necessary and appropriate. Any law enforcement records, testing or reports relative to the seized item may also be used as evidence in any suspension or expulsion proceeding.

Confiscation of Cell Phones and Portable Electronic Devices

Consistent with Policy JIHA, Student Possession and Use of Portable Electronic Devices (Including Cellular Phones), a school official who has a reasonable suspicion that a student's cellular phone or other portable electronic device may contain evidence that the student violated any school rule, the Code of Student Conduct and/or District policy, may confiscate and hold the item. The school official will not search the contents of the cellular phone or electronic device unless the student and/or parents have provided consent for such a search. The item will be turned over to the student's parent or guardian or to law enforcement, as the exigencies of the specific incident require.

LAW ENFORCEMENT INVOLVEMENT

When a suspected violation of criminal law has occurred on school grounds, at a school sponsored activity, or involving school operations, law enforcement shall be promptly notified by school officials. Law enforcement officers may also independently determine that a criminal investigation involving school-related conduct is necessary.

Law Enforcement Involvement in Interviews

If school officials are aware that a student is being interviewed by law enforcement officials as a result of school-related conduct, the parent(s) of the student should be notified as soon as possible.

If a law enforcement official is conducting an interview of a student related to school-related conduct, law enforcement officers will not be subject to supervision or direction by the School District.

Law Enforcement Involvement in Searches

The principal or principal's designee may request a search on school premises be conducted by a law enforcement officer. When law enforcement authorities are involved in the search, the search

will be conducted under standards applicable to law enforcement rather than under the provisions of this policy.

When law enforcement officers respond to such a request, no school employee shall assist or otherwise participate in the search unless under the direct order of the law enforcement officer.

The principal or designee may request the assistance of a law enforcement officer to:

1. conduct a search of school property including lockers, desks and other storage areas, or
2. conduct a search of any motor vehicle or any object in the possession of the student such as a purse, briefcase or backpack if the student refused to permit school authorities to conduct such a search.
3. identify or take possession of prohibited items found in the course of a search conducted in accordance with this section.

Searches of the person that may require removal of clothing other than a coat or jacket or shoes, shall be referred to a law enforcement officer. School personnel shall not participate in such searches.

In any involvement by law enforcement officers in searches, law enforcement officers will not be subject to supervision or direction by the School District.

Release of a Student to Law Enforcement and Arrests

Students will be released to law enforcement officers if the student has been placed under arrest or if the student's parent/guardian and the student consent to such release. When a student is removed from school by law enforcement officers for any reason, school officials will make reasonable efforts to notify the student's parent/guardian as soon as possible.

District staff are not responsible for an officer's compliance with applicable legal requirements when arresting a student.

Adopted: June 17, 1986

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CROSS REFS.:

JJ/JIA – Student Rights and Responsibilities/Due Process Rights

JIC/JICDA - Student Conduct

JICI - Weapons in Schools

JIHA - Student Possession and Use of Portable Electronic Devices (Including Cellular Phones)

JK - Student Discipline

JKD-JKE and JDK-JKE-R - Suspension/Expulsion of Students

Second Reading