

INTERROGATIONS AND SEARCHES

The Board of Education seeks to maintain a climate in the schools, which is conducive to learning and protective of the safety and welfare of staff and students. To achieve this goal, 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.

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 either a law or Board policy. When reasonable grounds for a search exists, school personnel may search a student and his/her property while on school premises or during a school activity under the circumstances outlined in this policy and may seize any illegal, unauthorized, or contraband materials.

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 and sex of the student and 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 cumulative folder.

Definitions

1. "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 which cause the school official to believe, based on his/her own experience, that a search of a particular person, place, or thing would lead to the discovery of evidence of a violation of Board policy or state laws. Reasonable suspicion requires more than a mere hunch.
2. "Contraband" – consists of all substances or materials prohibited by Board policy or state law including but not limited to drugs, alcoholic beverages, guns, knives, other weapons, and incendiary devices.

Search of School Property

School lockers, desks, and other storage areas are school property and remain at all times under the control of the school. School property provided for the use of students is subject to inspection, 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.

The principal (or his/her designee) may search a desk, locker, or any other storage area and its contents when he/she has reasonable grounds for a search. Whenever possible, another person shall be available to witness the search.

Search of the Students Person

The principal (or his/her designee) may search the person of a student if the school official has reasonable grounds to believe that the student is in possession of contraband.

Search of the person shall be limited to the students pockets, and any object in the students possession such as a purse or briefcase, and/or a “pat down” of the exterior of the students clothing.

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

The parents/guardians of any student searched shall be notified of the search as soon as reasonably possible.

Searches of the person which require removal of clothing other than a coat or jacket shall be referred to a law enforcement officer. No strip search shall be carried out by a school employee.

Law Enforcement Officers Involvement

The principal (or his/her designee) may request a search on school premises be conducted by a law enforcement officer. When a law enforcement officer is involved in the search, the search will be conducted under criminal law standards 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.

If law enforcement personnel seek permission from school authorities to search a student, his/her property, or school property to obtain evidence related to criminal activities, school officials shall require the police to produce a valid search warrant before the search is conducted unless:

1. There is uncoerced consent by the student.
2. There is probable cause and circumstances such that taking the time to obtain a search warrant would frustrate the purpose of the search.
3. The search is incident to an arrest and is limited to the person and his/her immediate surroundings.

When law enforcement officials request permission to question students when students are in school or participating in school activities, the principal (or his/her designees) shall be present. An effort to notify the parents/guardians shall be made.

Every effort shall be made not to draw any attention to the student being questioned by conducting the interrogation in private and with as little disruption to the schedule as possible.

When custody and/or arrest by the police is involved, the principal shall request that all procedural safeguards as prescribed by law be observed by the law enforcement officers. This includes all due process procedures including but not limited to obtaining proper arrest warrants when required.

Seizure of Items

Anything found in the course of a search conducted by school officials which is evidence of a violation of law or Board policy or school rules or which by its presence presents an immediate danger of physical harm may be:

1. Seized and offered as evidence in any suspension or expulsion proceeding if it is tagged for identification at the time it is seized. Such material shall be kept in a secure place by the principal until it is presented at the hearing.
2. Returned to the student or his/her parents/guardians.
3. Turned over to any law enforcement officer in accordance with this policy.

Appeals

Within 10 school days after a search, the student may appeal the search decision to the Superintendent of Schools, who shall investigate the reason(s) and circumstances of the search. The Superintendent shall issue written findings within five school days after receiving the appeal. The Superintendent's decision shall constitute the final District determination.

LEGAL REFS: CRS 19-2-101 et. Seq.

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