

## STUDENTS – ADMINISTRATIVE PROCEDURES

### RIGHTS AND RESPONSIBILITIES – Search and Seizure

To maintain order and security in the school, school authorities may inspect and search desks, lockers, parking lots or other property owned or controlled by the school and personal effects left in these areas without notice to or the consent of the student, and without a search warrant. In addition, school authorities may request the assistance of law enforcement officials, and their specially trained dogs for the purpose of conducting searches of these areas for illegal drugs, weapons, or other illegal or dangerous substances or materials.

Students have no reasonable expectation of privacy in their desks, lockers, parking lots, or other property owned or controlled by the Regional Office of Education or their personal effects left in those areas. To maintain order and security in the school, school authorities may inspect and search these areas and/or personal effects left in their areas without notice to or the consent of the student, and without a search warrant. In addition, school authorities may request the assistance of law enforcement officials and their specially trained dogs for the purpose of conducting searches of these areas for illegal drugs, weapons, or other illegal or dangerous substances or materials.

Should the ROE choose to utilize specially trained dogs for the purpose of conducting random searches or areas specified above, administrators shall announce via student handbook and student/parent newsletters, to students that such searches will be done. All random searches shall be conducted during after-school, evening and weekend hours.

The ROE has jurisdiction over student actions in school, on school property, during school-sponsored activities or events and during any activity or event that bears a reasonable relationship to school. When reasonable suspicion exists that a student over whom the school has jurisdiction has violated the law or the ROE's rules, then personal property, including handbags, wallets, book and backpacks, briefcases, stockings, shoes, other personal effects, and vehicles may be searched. No less than two (2) school officials should conduct all searches. The involved student's(s) presence at the search of lockers, desks, etc., may be requested by the school official.

When considering searching the locker or personal belongings of a student on probation, school officials should contact the student's probation officer. If school administrative personnel suspect that circumstances warrant a body or strip search or circumstances require immediate police intervention to protect the safety of the school, students, or personnel, the local police authority shall be called immediately.

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School officials shall contact the parents/legal guardians of the student(s) involved in the search activities.

All items seized by school officials should be identified via a written statement documenting the circumstances under which the items were confiscated. Seized items should be locked in a secure place. Only the administrator and one other school official should have access to the location in order to maintain a “chain of custody”.

When deemed appropriate, items seized during a search conducted in accordance with these procedures shall be turned over to law enforcement authorities. If any weapons or illegal substances are seized, they must be turned over to law enforcement officials. School officials would request a receipt for the items. The receipt should be attached to the written documentation cited above.

Any seized items not turned over to the police may be returned to a parent/legal guardian if appropriate and if the items are not needed for a disciplinary hearing. The parent or legal guardian shall be required to give a receipt for the items. The receipt should be attached to the written documentation.

If suspected contraband is seized and proves, upon further examination, not to be contraband, it shall be returned to the student or parent/legal guardian with a securing of a receipt. The receipt should be attached to the written documentation with a written summary of the evidence establishing why the property was not, in fact, contraband.

If allegedly stolen property is seized, it may be returned to the rightful owner, if acknowledged by the perpetrator as stolen. A receipt should be secured and attached with the other written documentation. If stolen property seized is in dispute as to ownership, the ROE shall hold the same until a judicial determination of ownership is secured.

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