

STUDENT SEARCH AND SEIZURE

The superintendent or his/her designee is authorized to detain and search any student and any property in the student's possession while on school premises, at school activities, or in transit under authority of the school, for any item possession of which by the student is illegal or prohibited by school rules, or for property believed to have been stolen from another student, an employee, or the school. The search shall be conducted according to the following guidelines:

Reasonableness

1. The decision to search must be based upon a reasonable suspicion that
 - A. A violation of the law or school rules has occurred or is occurring;
 - B. The student to be searched has committed the violation; and
 - C. Particular evidence of the violation will be discovered in the search.
2. In deciding whether a suspicion is reasonable, all the circumstances surrounding the case should be considered, including:
 - A. The student's age, history, and record in school;
 - B. The prevalence and seriousness of the suspected violation;
 - C. The school officials' prior experience in detecting the problem or recognizing suspicious behavior;
 - D. The need to make a search without delay and further investigation;
 - E. The specificity and source of the information used as justification for the search; and
 - F. The particular teacher or school official's experience with the student.

Scope

1. The scope or extent of the search shall be reasonably related to the kind of objects being searched for, and not excessively intrusive in light of the student's age and sex and the nature of the suspected violation.
2. A search commenced to discover a particular kind of item may be expanded or continued for additional items if circumstances warrant.

Discovered Items

1. Illegal items or other possessions or substances reasonably determined to be a threat to the safety or security of others may be seized by school authorities. These items will immediately be turned over to law enforcement officials for disposition as they see fit.
2. Items which are used to disrupt or interfere with the educational process may be temporarily removed from student possession.

Refusal to Submit to Search

A student who refuses to peaceably submit to a search based on reasonable suspicion or who refuses to turn over items discovered as a result of a search may be suspended for such refusals.

Reports

The person conducting the search shall prepare a report to be maintained by the superintendent including the date, time, place, names of witnesses, purpose, basis, and result of the search.