

Book	Policy Manual
Section	POLICIES FOR THE BOARD, JUNE, 2023
Title	Copy of Copy of SEARCH AND SEIZURE
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## 5771 - **SEARCH AND SEIZURE**

The School Board recognizes its obligation to balance the privacy rights of its students with its responsibility to provide student, faculty, and authorized visitors with a safe, hygienic, and alcohol/drug-free learning environment.

In balancing these competing interests, the Board directs the Superintendent to utilize the following principles:

### A. **School Property**

School facilities such as lockers and desks are school property provided for student use subject to the right of the Superintendent and his/her designee to enter the facility as needed and inspect all items in the facility searched. Students shall not have an expectation of privacy in any facility provided by the school and shall not be permitted to deny entry to a **School** Corporation administrator by the use of a lock or other device.

### B. **Student's Person and Possessions**

Prior to a search of a student's person and personal items in the student's immediate possession, consent of the student shall be sought by an administrator. If the student does not consent, such a search shall be permitted based only upon the administrator's individualized reasonable suspicion to believe that the search ~~will~~ **shall** produce evidence of a violation of a law, school rule, or a condition that endangers the safety or health of the student or others. Searches of the person of a student shall be conducted and witnessed by a person of the same gender as the student and shall be conducted in a private place. A searched student's parent or guardian shall be notified of the search within twenty-four (24) hours if possible.

Searches, pursuant to this policy, also shall be permitted in all situations in which the student is under the jurisdiction of the Board as defined by I.C. 20-33-8-14.

Permission for a student to bring a vehicle on school property shall be conditioned upon consent of the search of the vehicle and all containers inside the vehicle by a school administrator with reasonable suspicion to believe the search ~~will~~ **shall** produce evidence of a violation of law, a school rule, or a condition that endangers the safety or health of the student driver or others. The student shall have no expectation of privacy in any vehicle or in the contents of any vehicle operated or parked on school property.

The Superintendent may request the assistance of a law enforcement agency in implementing any aspect of this policy. Where law enforcement officers participate in a search on school property or at a school activity pursuant to a request from the Superintendent, the search shall be conducted by the law enforcement officers in accordance with the legal standards applicable to law enforcement officers.

### C. **Breath Test Instruments**

Administrators are authorized to arrange for the use of breath-test instruments for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level, since the Board has established a zero tolerance for alcohol use.

### D. **Metal Detectors**

To address the ~~School~~ Corporation's duty to maintain a safe learning environment free of the potential presence of weapons, school officials, school resource officers and other school personnel trained in the usage of metal detectors are authorized to use metal detectors, either hand-held wands or walk through devices, for the purpose of determining if a person is in possession of weapons or other dangerous metal objects. When the school administration has a reasonable suspicion to believe weapons or other dangerous metal objects are in the possession of an identified person, a search of the identified person and/or of his/her possessions shall be conducted in accordance the requirements of this policy's provisions for searching a Student's Person or Possessions (B. above) and **AG7440A - Metal Detector Search Procedures.** ~~administrative~~

~~guideline 7440B.~~

#### **E. Use of Dogs**

The Board authorizes the use of specially-trained dogs to detect the presence of drugs or devices such as bombs on school property under the conditions established in the Superintendent's administrative guidelines.

Anything found in the course of a search pursuant to this policy which constitutes evidence of a violation of a law or a school rule or which endangers the safety or health of any person shall be seized and utilized as evidence if appropriate. Seized items of value shall be returned to the owner if the items may be lawfully possessed by the owner. Seized items of no value and seized items that may not lawfully be possessed by the owner shall be destroyed.

The principal shall promptly record in writing the following information for each search pursuant to this policy:

- A. the information upon which the search was based
- B. the time, date, location, students, or places searched, and persons present
- C. a description of any item seized and its disposition
- D. the time and date of notice to the parent or guardian in the case of the search of the person of a student

The Superintendent shall prepare administrative guidelines to implement this policy.

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Legal

I.C. 20-33-8-32

U.S. Constitution, 4th Amendment