



**Procedure Name:** Search and Seizure of Students by School Personnel

**Related to which policy:** Search and Seizure of Students by School Personnel C 21

**Date Last Updated:** April 2018

**Specific Provisions of the Procedure:**

**I. PERSONS WHO MAY PERFORM SEARCHES**

- a. Search shall normally be conducted by school administrators. However, when an administrator is not reasonably available or cannot perform a search within a reasonable time (such as when a student is on a field trip), a member of the faculty may perform a search.

**II. SEARCH & SEIZURE CHECKLIST FORM; FACTORS TO CONSIDER**

- a. The principal shall maintain a "Search & Seizure Checklist" form. The checklist shall contain places for signature by two persons authorizing the search.
- b. In determining whether "reasonable suspicion" exists, an administrator or faculty member shall consider the following:
  1. The timeliness of the information that gives rise to the suspicion;
  2. Whether a plausible alternative explanation exists;
  3. Whether any other information exists that independently supports or detracts from the probable reliability of the new information; and
  4. If the information was provided by an informant:
    - a. Whether that information was directly gathered by the informant, such as by visual observation or overheard conversation, or was indirectly provided by another person to the informant; and
    - b. Whether the informant has been shown to be or should be considered a reliable source.

**III. ACTIONS PRECEDING SEARCH**

- a. An administrator or faculty member planning to conduct a search shall:
  1. Complete a Search & Seizure Checklist form; and
  2. Consult with another school administrator (or if an administrator is not available, a faculty member or other adult) and have that person review and sign the Search & Seizure Checklist form.

The requirements in this subdivision do not apply when delay would create an imminent risk to persons or property or when compliance with those requirements would otherwise prevent enforcement of the law or school rules.

#### **IV. MANNER OF SEARCH**

- a. The extent of each search shall be reasonably related to the circumstances that justify the search.
- b. A school property search shall normally be conducted by searching the lockers and/or other school property assigned to the student, provided that there is reasonable suspicion to believe that contraband is located in the school property which is subject to the search. A school property search shall be witnessed by a second person who is an administrator, a member of the faculty or staff (or a chaperone when on a trip).
- c. Search of a student's possessions shall normally be conducted by requiring the student to empty his or her pockets, bag (s) and purse(s), provided there is reasonable suspicion to believe that contraband is located in the place searched. n, The person conducting the search may personally examine the purse, bag or backpack to ensure that all items have been removed, and may search the items removed from the purse, bag or backpack as necessary and appropriate. A search of a student's possessions shall be witnessed by a second person who is an administrator, a member of the faculty or staff (or a chaperone when on a trip).
- d. A vehicle search shall be made only when there is reasonable suspicion to believe that contraband is located in the vehicle; and the vehicle is either on school grounds or the vehicle is being used to transport students to or from a school sponsored event. A vehicle search shall be witnessed by a second person who is an administrator, a member of the faculty or staff (or a chaperone when on a trip).
  1. A vehicle search shall normally be conducted by examination of the unlocked spaces of a vehicle. A vehicle search shall be witnessed by a second person who is an administrator, a member of the faculty or staff, (or a chaperone when on a trip). A student may be required to open locked spaces in a vehicle to permit examination of the contents therein upon reasonable suspicion to believe that contraband is present within the locked space. If a student refuses to open a locked space, a vehicle may be detained on school grounds until police can be summoned.

#### **V. ACTIONS FOLLOWING SEARCH**

- a. Any suspected contraband found during a search shall be confiscated. Any suspected illegal substances or other items found shall be turned over to law enforcement officials.
- b. As soon as practicable after a search, the person who conducted the search shall file the completed search & seizure checklist with the Principal.

- c. The Principal or designee shall notify the student's parent(s) or guardian and the Superintendent, that a search has been conducted.

**VI. PUBLICATION**

The student handbook shall describe student search and seizure procedures, and in particular shall describe the ability of the school to open desks, lockers, textbooks and other materials or supplies loaned by the school to students for routine cleaning and maintenance and in emergencies.

**SEARCH AND SEIZURE CHECKLIST**

This form shall be filled out in accordance with the Search and Seizure policy C21

**Who and/or what is to be searched?**

Name: \_\_\_\_\_ Age: \_\_\_\_\_  
Sex: \_\_\_\_\_

Personal Clothing \_\_\_\_\_ Purse or Backpack \_\_\_\_\_ Locker \_\_\_\_\_ Car \_\_\_\_\_ Other (describe) \_\_\_\_\_:

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**What is to be searched for?**

Factors giving a reasonable suspicion that contraband will be found on the person or place to be searched: (Add additional pages if necessary).

Person(s) with personal knowledge of the possible offense stated to me:

Witness A (name or initials): \_\_\_\_\_ Statement: \_\_\_\_\_

Witness B (name or initials): \_\_\_\_\_ Statement: \_\_\_\_\_

The reporting individual has \_\_\_\_\_ has not \_\_\_\_\_ been reliable in the past.

I have the following personal knowledge concerning the person to be searched or events that give rise to a reasonable suspicion that an offense has occurred and evidence of it will be obtained by a search and seizure:

The information stated on this form provided me with a reasonable suspicion that an offense has been committed and that contraband would be found on the person or in the place to be searched.

\_\_\_\_\_

Administrator/Teacher \_\_\_\_\_ Date

Reviewed and authorized by a second person who is an administrator or faculty member.

\_\_\_\_\_

Administrator/Faculty \_\_\_\_\_ Date

Check if applicable. Exigent circumstances required an immediate search without consultation with a second person: Yes \_\_\_\_\_ No \_\_\_\_\_ If "Yes", the exigent circumstances were as follows:

Notification to Superintendent.

\_\_\_\_\_

Administrator \_\_\_\_\_ Date

Notification to Parents.

\_\_\_\_\_

Administrator \_\_\_\_\_ Date

**Clarification: This most recent procedure is the one that is to be used. All prior drafts are null and void.**