

## **Students**

### **Searches and Seizure**

The Board is committed to providing students with schools that are free of drugs and weapons. The Board prohibits the presence of drugs, controlled substances, weapons of any type, explosive devices, alcohol, non-authorized medication, or any other intoxicant on District property or at any District sponsored event. This prohibition applies to employees, students, patrons, visitors and any other persons on District property. Notice of this policy shall be provided to all students through the LJSD 272 Student Handbook, and shall be provided to all parents during the registration process.

Order and security in the schools shall be maintained by school authorities.-Searches of school property and equipment, and students and their personal effects, are authorized to be conducted based on reasonable suspicion that a search will produce evidence of a violation of district policy, state, or federal law. Searches must be reasonably related to the circumstances, not excessively intrusive, and consideration shall be given to the age and sex of the student along with the nature of the infraction.

All students are responsible for the security of any personal vehicle, assigned locker, desk, bag or other item they possess, are entrusted with, or bring onto District property (including buses) or to a District sponsored event. No student shall possess, place, keep or maintain any article or material that is prohibited by law or District policy in items, lockers, vehicles, desks or bags assigned to them or under their control.

Refusal to cooperate with a search may result in disciplinary action, including but not limited to, suspension, expulsion, and/or loss of parking privileges on District property for students.

### School Property, Equipment, and Personal Effects

For health and safety reasons, a general inspection of school properties, such as lockers and desks, may be conducted at any time or when reasonable suspicion reveals suggests that the search will disclose evidence of illegal possession of contraband or criminal activity.

Building administration, Armed District Safety Specialists (ADSS), or School Resource Officers (SRO) may inspect and search school property and equipment as well as personal effects left there-by students, without notice or consent of the student.

Lockers are only assigned to one student. In the event a student chooses to share their locker with another student, then the student to whom the locker was assigned shall be responsible for its contents.

All vehicles parked on district property shall be considered in the custody and control of the student driver and subject to search if there is cause to suspect that District policies have been violated.

Building administration may request the assistance of law enforcement and/or law enforcement canines (“canine”) to conduct inspections and searches of lockers, desks, parking lots, and other school property and equipment, including buses, for illegal drugs, weapons, and other illegal or dangerous substances or materials.

In conjunction with other District security measures, a canine may be used on District property or at a District sponsored event. A canine alert, which is determined by the canine’s handler, constitutes reasonable suspicion. When a canine alerts, any suspected individual(s) will be called to the scene to witness the inspection of the item or place the canine alerted to.

In the event the canine alerts on a locked vehicle, the owner or person bringing the vehicle onto District property shall be asked to open it for inspection.

### Students

The student’s constitutional rights, as applicable under the specific circumstances, will be protected.

Building administration, ADSSs, and SROs may utilize a breathalyzer in the event there is cause to believe that a student is under the influence of alcohol.

Building administration, ADSSs, and SROs may utilize metal detection wands prior to conducting a physical search of a student. In the event a physical search is necessary, then a physical search shall not be conducted without at least one adult of the student’s biological gender present. Whenever practical, a second adult shall also be present, and efforts will be made to provide a second adult of the student’s biological gender.

### Seizure of Property

If a search produces evidence that the student has violated or is violating the law or the District’s policies or rules, such evidence may be seized and impounded by school authorities, and disciplinary action may be taken. When appropriate, such evidence may be transferred to law enforcement authorities.

### Cross Reference:

[Policy 3330](#) Student Discipline

[Policy 3340](#) Corrective Actions and Punishment

[Policy 3410](#) School Sponsored Student Activities

[Policy 3450](#) Student Vehicle Parking

Legal Reference:

[Board of Education v. Earls, 536 U.S. 822, 122 S. Ct. 2559 \(2002\)](#); US Supreme Court precedence regarding search and seizures for extracurricular activities.

Policy History:

Adopted on: August 13, 2007

Revised on:

## **Students**

### **Searches and Seizure**

The Board of Trustees of Lakeland Joint School District No. 272 is committed to providing students and employees with schools and workplaces that are free of drugs and weapons. To that end The Board prohibits the presence of drugs, controlled substances, weapons of any type, explosive devices, alcohol, non-authorized medication, or any other intoxicant (as those terms are defined by state or federal law or District policy) on District property or at any District sponsored event. This prohibition applies to employees, students, patrons, visitors and any other persons on District property. Notice of this policy shall be provided to all students through the LJS 272 Student Handbook, and shall be provided to all parents during the registration process.

To maintain Order and security in the schools shall be maintained by school authorities. reasonable Searches of school property and equipment, as well as of and students and their personal effects, are authorized to be conducted based on reasonable suspicion that a search will produce evidence of a violation of district policy, state, or federal law. Searches must be reasonably related to the circumstances, not excessively intrusive, and consideration shall be given to the age and sex of the student along with the nature of the infraction.

School authorities may search the student and/or the student's personal effects in the student's possession when there is reasonable grounds for suspecting that the search will produce evidence the particular student has violated or is violating the law or the District's student conduct rules. The search itself must be conducted in a manner that is reasonably related to its objectives and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

All persons students are responsible for the security of any personal vehicle, assigned locker, desk, bag or other item they possess, are entrusted with, or bring onto District property (including buses) or to a District sponsored event. No student person shall possess, place, keep or maintain any article or material that is prohibited by law or District policy in items, lockers, vehicles, desks or bags assigned to them or under their control.

Refusal to cooperate with a search open the item for inspection may result in referring the matter to law enforcement officials, may result in disciplinary action, including but not limited to, suspension, or termination of employment for employees and suspension or expulsion, and/or loss of parking privileges on District property for students, and for students. Additionally, visitors or patrons may be banned from District property.

### School Property, and Equipment, and Personal Effects Left There by Students

For health and safety reasons, a general inspection of school properties, such as lockers and desks, may be conducted at any time on a regular basis or when

reasonable suspicion ~~reveals~~ ~~suggests~~ that the search will disclose evidence of illegal possession of contraband or criminal activity.

~~School Building administration, Armed District Safety Specialists (ADSS), or School Resource Officers (SRO) authorities~~ may inspect and search school property and equipment owned or controlled by the school, such as lockers, desks, and parking lots, as well as personal effects left there-by students, without notice or consent of the student. ~~Any items contained in a locker, desk, or in a district parking lot, shall be considered to be the property of the assigned student to whom the locker was assigned.~~

Lockers are only assigned to one student. In the event a student chooses to share their locker with another student, then the student to whom the locker was assigned shall be responsible for its contents.

All vehicles parked on district property shall be considered in the custody and control of the student driver and subject to search if there is cause to suspect that District policies have been violated.

~~This applies to student vehicles parked on school property. Building principals may require each high school student, in return for the privilege of parking on school property, to consent in writing to school searches of his or her vehicle and personal effects therein, when reasonable suspicion of wrongdoing exists.~~

~~The Superintendent Building administration~~ may request the assistance of law enforcement ~~and/or law enforcement canines ("canine")~~ officials to conduct inspections and searches of lockers, desks, parking lots, and other school property and equipment, ~~including buses~~, for illegal drugs, weapons, and other illegal or dangerous substances or materials. ~~including searches conducted through the use of~~ specially trained dogs.

In conjunction with other District security measures, a ~~canine dog~~ may be used to sniff the air around lockers, desks, bags, items or vehicles that are on District property or at a District sponsored event ~~to sniff the air around lockers, desks, bags, items, vehicles, and buses~~. A ~~canine dog's~~ alert, which is determined by the ~~canine's~~ handler, constitutes reasonable suspicion and only the ~~dog's~~ official handler will determine what constitutes an alert by the ~~dog~~. If the ~~When a canine dog~~ alerts, on a particular item or place, the ~~any person suspected individual(s)~~ having the use of, bringing onto District property or responsible for that place or item will be called to the scene to witness the inspection ~~of the item or place the canine alerted to~~. ~~The inspections shall be unannounced and may be made at the discretion of the Superintendent or his designee.~~

In the event the ~~canine dog~~ alerts on a locked vehicle, the owner or person bringing ~~the vehicle~~ it onto District property shall be asked to open it for inspection.

## Students

**The student's constitutional rights, as applicable under the specific circumstances, will be protected.**

~~School authorities may search the student and/or the student's personal effects in the student's possession when there is reasonable grounds for suspecting that the search will produce evidence the particular student has violated or is violating the law or the District's student conduct rules. The search itself must be conducted in a manner that is reasonably related to its objectives and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.~~

~~Whenever practical, searches of a student shall be conducted by a staff member of that student's gender. Any time a search of a student must be conducted, a second adult shall be present. Whenever practical, this second adult shall also be of the student's gender. **[OPTIONAL]**~~

Building administration, ADSSs, and SROs may utilize a breathalyzer in the event there is cause to believe that a student is under the influence of alcohol.

Building administration, ADSSs, and SROs may utilize metal detection wands prior to conducting a physical search of a student. In the event a physical search is necessary, then a physical search shall not be conducted without at least one adult of the student's biological gender present. Whenever practical, a second adult shall also be present, and efforts will be made to provide a second adult of the student's biological gender.

### Seizure of Property

If a search produces evidence that the student has violated or is violating the law or the District's policies or rules, such evidence may be seized and impounded by school authorities, and disciplinary action may be taken. When appropriate, such evidence may be transferred to law enforcement authorities.

Cross Reference:

Policy 3410

Policy 3340

Policy 3330

Policy 3450

Student Vehicle Parking

*Board of Education v. Earls*, 536 U.S. 822, 122 S. Ct. 2559 (2002); US Supreme Court precedence regarding search and seizures for extracurricular activities.

### Policy History:

Adopted on: August 13, 2007

Revised on:

### Prior district policy GG

Megan's Suggestions:

-I recommend cross-referencing the student extracurricular policy 3400 in this policy. I also do not see in 3370 or 3400 anything about attendance at extracurricular events such as a school dance. Most schools require breathalyzers before entering the dance. It is strongly recommended to ensure that any such condition be in policy (as well as printed on the ticket) to ensure that the student does not have an expectation of privacy related to a breathalyzer upon entering an extracurricular dance.

-Consider revising this sentence for clarity:

If the dog alerts on a particular item or place, the person having the use of, bringing onto District property or responsible for that place or item will be called to the scene to witness the inspection.

-the first sentence is not justified.

-The Board may also want to cite to the current US Supreme Court precedence regarding search and seizures for extracurricular activities. *Board of Education v. Earls*, 536 U.S. 822, 122 S. Ct. 2559 (2002).