

P1470 SEARCH AND SEIZURE – STUDENTS AND THEIR PERSONAL POSSESSIONS AND SCHOOL FACILITIES

BOARD POLICY:

The student has control over property in the student’s immediate possession, the student’s locker, desk, work station, and other similar assigned areas of school property; but such control may not be exclusive. When a reasonable suspicion arises that use or possession of a student’s property or assigned school property, is illegal, illicit, disruptive, or a danger to the general welfare of students and staff, the principal or designee has the authority to conduct a search and confiscate items considered illegal, illicit, disruptive, or a general nuisance to the educational process.

Administrative Implemental Procedures:

1. Only the principal, principal designee, or security shall be responsible for determining whether or not a search shall be conducted.
2. When deemed appropriate, the principal should consider the proper involvement of the lawful custodian(s).
3. When possible, the student shall be present during a search of property in the student’s immediate possession, including vehicular searches and any space assigned to the student.
4. A second staff member shall be present during a search of either a student, a student’s assigned areas, or a student’s personal property. The search shall be conducted as discretely as possible and in private as appropriate.
5. A search may include both the defined spaces and any and all items contained therein.
6. Routine inspections of lockers, desks, work areas, and similar assigned areas may be conducted.
7. The seizure or confiscation of items located in property in a student’s immediate possession, on a student’s person and/or items located in a student’s locker, desk, work station, or similar assigned area shall be accomplished in the following manner:
 - a. The seizure shall be witnessed by a second staff member and, if possible, by the student.
 - b. A security incident report shall be completed identifying the item(s) confiscated. Storage, return, or destruction of such items shall be at the discretion of the principal, Executive Director of Safety Services or a hearing officer, subject only to legal impoundment. When maintained by the Office of the Hearing Supervisor, the items must be kept until all proceedings are concluded, including appeals.
8. Those items considered to be illegal, illicit, disruptive, or a general nuisance to the educational process may be seized by staff. Items that are illegal to possess shall be turned over to law enforcement officials. Repossession of school property shall not be considered seizure.
9. A student may be requested to submit to a drug test in the least intrusive manner available to achieve accurate results if there is a reasonable suspicion that the student may have or is violating BOE Policy 1465 – *Student Behavior - Alcohol, Drugs, Drug Paraphernalia, and/or Other Controlled Substances*.

10. Those students who are permitted to park on school property are allowed that privilege, which is not considered to be a student right. (K.S.A. 72-6526 and BOE Policy 2370 – *Vehicular Traffic – Regulations and Procedures*). The school retains the authority to conduct routine patrols of school parking lots and inspections of the exteriors of automobiles or other motor vehicles on school property. The interiors of vehicles on school property may be inspected whenever an authorized school official has a reasonable suspicion to believe that illegal, unauthorized, or disruptive materials are contained inside. Such patrols and inspections may be conducted without notice, without consent, and without a search warrant. Forced entry of vehicles, absent exigent circumstances, will not be made prior to contacting and the arrival of law enforcement authorities.
11. Law enforcement detection canines may be used for demonstration and educational purposes. Additionally, they may be used for administrative purposes to check lockers and other suspected locations. Using law enforcement detection canines to search individuals in any manner is not authorized.

Administrative Responsibility: Safety Services

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