

P1470 SEARCH AND SEIZURE - PUPILS AND THEIR PERSONAL POSSESSIONS

BOARD POLICY:

The pupil has exclusive control over property in his/her immediate possession as against other pupils; but such possession may not be exclusive against the school and its officials. When a reasonable suspicion arises that use or possession of a pupil's property is illegal, illicit, disruptive, or a danger to the general welfare of pupils and staff, a search may be made of the pupil's person or personal property.

Administrative Implemental Procedures:

1. Only the principal, principal designee or security shall be responsible for determining whether or not a search shall be conducted of a pupil's person or personal property.
2. When deemed appropriate, the principal should consider the proper involvement of the lawful custodian(s).
3. When possible, the pupil shall be present during a search of property in his/her immediate possession, including vehicular searches.
4. A second staff member shall be present during a search of either a pupil or a pupil's personal property.
5. The seizure or confiscation of items located in property in a pupil's immediate possession and/or on a pupil's person shall be accomplished in the following manner:
 - a. The seizure shall be witnessed by a second staff member.
 - b. The search shall be conducted as discretely as possible and in private.
 - c. Each and every item seized must be identified and not commingled with other items previously or subsequently seized.
 - d. The principal, principal designee or security shall prepare a summary report identifying the item(s) confiscated or shall take a photograph of the items which shall be maintained at a minimum until a suspension/expulsion case is finally resolved if a suspension/expulsion case is filed.
 - e. A report shall be prepared of the incident that includes the facts upon which reasonable suspicion was based, where the search occurred, the reason for the seizure, who was present, time and the disposition of items(s).
 - f. A copy of the summary report identifying the items confiscated or a photograph of the items shall be given to the lawful custodian upon written request being made to the office of the Safety Services by the lawful custodian.
6. 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. 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 Suspension/Expulsion Hearing Supervisor the items must be kept until all proceedings are concluded, including appeals or court cases.
7. A pupil 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 pupil may have or is violating BOE Policy 1465 – *Pupil Behavior - Alcohol, Drugs, Drug Paraphernalia, and/or Other Controlled Substances*.

8. Those pupils 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.

The Board attorney has approved this policy in form and content.

Administrative Responsibility: Elementary and Secondary Education Offices

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