

No. 5470
SECTION: STUDENTS
TITLE: SEARCHES

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OXFORD AREA SCHOOL DISTRICT

It shall be the policy of the Oxford Area School District that searches shall be permitted and conducted, consistent with the fourth amendment of the Constitution of the United States, to uncover illegal or forbidden substances, materials or objects. Searches are to be conducted when there is reasonable suspicion that illegal or forbidden substances, materials or objects, including but not limited to weapons and drugs, are on the premises or in the possession of students and that the conduct of such searches will reveal evidence of a violation of law or school policy.

For purposes of this policy searches shall be permitted and conducted to uncover illegal or forbidden substances, materials or objects on a student's person, in a student's locker, in any student possession, vehicle or in any area of the school building or school grounds. Further-more, it shall be the policy of the Oxford Area School District that random searches and the use of outside agencies, resources, personnel and tactics shall be permitted when there is reasonable suspicion that such searches will reveal evidence of a violation of law or school policy.

This policy shall apply to students on school premises during regular school hours, while attending school events or activities during and after regular school hours, or while being transported to or from school in school district vehicles.

By this policy, the conduct of the following types of searches shall be authorized:

- A. Body search--The search of a person to include pat down, the emptying of pockets, the removal of garments but only to the lowest layer of outer clothing. This type of search will only be conducted when there is reasonable suspicion that the search of that individual student will reveal evidence of a violation of law or school policy.
- B. Search of possessions--The search of items brought to school by students which may contain illegal or forbidden substances, materials or objects. This might include but is not limited to such items as book bags, gym bags, purses, wallets or any object which might be used to conceal or carry items. This type of search will only be conducted when there is reasonable suspicion that the search of an individual student's possessions will reveal evidence of a violation of law or school policy.
- C. Locker search--The search of school lockers, desks, book cases and apparatus available to students for their use. Lockers, desks, book cases and alike are considered the property of the school district, not the property of the student, and subject to search at any time, without notice, without student consent, and without search warrant.

D. Sweep searches--The search of all or a portion of a school building incorporating school or nonschool resources to detect the presence of illegal or forbidden substances, materials or objects, conducted without notice and without a search warrant.

The Superintendent of Schools shall develop procedures for the implementation of this policy. In all cases care must be exercised to insure that all search activity undertaken does not violate protected rights.

ADMINISTRATIVE GUIDELINES

SEARCHES

The following administrative procedures shall be followed when conducting searches:

- A. Prior to commencing a search reasonable suspicion must exist that the student is concealing illegal or forbidden substances, materials or objects.

Reasonable suspicion for conducting searches shall arise out of any action, behavior or information which would cause a reasonable person to act. When committing to the conduct of a search, the protection of individual student's rights must be balanced against the interests of the school, its mission and student population at large.

- B. All searches should be conducted with at least two adults present. Searches of a female student's person should be conducted by female adults and a male student's person by male adults. An administrator should remain present at all times during the search.
- C. Students must be informed of your intent to conduct the search and that you are looking for illegal or forbidden substances, materials or objects. An explanation of the actions or behaviors which have given you the reasonable suspicion to conduct the search should be offered to the student.
- D. The adult must inform the student of the expectation of his/her cooperation in conducting the search. If the student is uncooperative the adult must be persistent but not attempt to use physical force to conduct the search.
- E. If the student refuses to allow a search of his/her clothing or of his/her person, the adult shall attempt to contact the parent to ask for intervention and support for conducting the search. If the parent is unavailable and/or not supportive and it is suspected that the student is in possession of an illegal item, the adult may act in loco parentis and contact the police and ask for their assistance in conducting the search. At no time should the student be left unsupervised.
- F. If illegal or forbidden substances, materials or objects are found as a result of the search, actions shall be taken to impose the appropriate discipline.
- G. If illegal or forbidden items are found as a result of the search, the following procedures shall be followed.
- a. The adult shall keep the student under supervision at all times.
 - b. The adult shall notify the police of the discovery of illegal or forbidden items and request their assistance.
 - c. The adult shall notify the student's parents of the situation and request that they come to the school immediately.
 - d. If the parents have been contacted and are able to come to school immediately, the adult shall ask the police to delay their questioning of the student until the parents arrive.
 - e. If the parents cannot be contacted or if the parents are unable or unwilling to come to school immediately, the adult shall act in loco parentis as the police conduct their investigation. Every effort should be made to inform the parent of the actions taken with regard to the search, investigation and disposition of cases involving illegal substances, materials or items.

- H. The district Superintendent shall be informed of all searches which reveal illegal substances, materials or items.
- I. A search record form shall be completed for each instance where a search is conducted. This record shall be kept on file in the school principal's office.

SEARCH RECORD

Student's name _____ Date _____

Address _____ Time of search _____

_____ Place of search _____

Parent or guardian _____

Telephone number _____

What was the reasonable suspicion for the search? _____

What was found? _____

Where found? _____

Police called: yes _____ no _____

Time police called _____ Time parents called _____

Did parents appear? _____ If no, who sat in on police investigation?

Action taken _____

Notes _____

Witnesses: 1. _____ 2. _____

Time & date _____

Administrator or other designated personnel completing search: _____