

10.4 SEARCH OF PERSON OR PROPERTY

Given the school's custodial and tutelary responsibility for children, and the school's commitment to preserve a safe environment for all students and staff, Vanguard Academy school officials have the authority to conduct reasonable searches of students and student property. School officials engaging in searches of students and property shall abide by the following guidelines:

Student Lockers: Students possess the right of privacy of person as well as freedom from unreasonable search and seizure of property. The individual's right, however, is balanced by the school's responsibility to protect the health, safety and welfare of its pupils and personnel in accordance with Act 451, Section 380.1306.

Student lockers are solely the property of the school, and as such students have no right or expectation of privacy in school lockers. Lockers and/or locker contents may be searched without prior permission and at any time by school officials either with or without cause. Once a locker is opened for search, any search of student belongings contained within the locker must comply with the guidelines for searches of personal belongings of this policy.

It is strongly recommended that the student be present for the search of his/her locker. Except in an emergency it is recommended that the Director or his/her designee have another adult present during a locker search.

The Director or his/her designee shall not be obligated, but may request the assistance of a law enforcement officer in the course of conducting a locker search. The Director or his/her designee shall respect the privacy rights of the pupil regarding any items discovered that are not illegal or against school policy or rules.

Searches of Students and Student Property: Searches of a student's personal property (coats, hats, backpacks, book bags, purses, wallets, notebooks, gym bags, etc.) may be conducted whenever the student's conduct creates a reasonable suspicion that a particular school rule or law has been violated and that the search is reasonably related to the suspicion and not excessively intrusive in light of the age and sex of the student and nature of the infraction. Circumstances warranting a search include those in which school officials have reasonable suspicion that the student or student property is concealing lost/stolen/misplaced items, weapons, drugs, alcohol, tobacco, unsafe contraband, pagers, or other items considered inappropriate at school.

Searches of Personal Belongings: Personal belongings may be searched by school officials whenever school officials have reasonable suspicion to believe a student is concealing evidence of a policy violation or criminal activity and the items being searched are capable of concealing such evidence. The student may be asked to open personal belongings and to turn over personal property for search by a school official. All searches of student property by school officials shall be witnessed by an objective third party (such as another administrator, teacher, or police officer) to observe that the search is not excessively intrusive.

All contraband discovered in a search by school officials shall be immediately confiscated and turned over to law enforcement officers if school officials have reason to believe the contraband is related to the commission of a criminal act.

Searches of Person: School officials shall make sure the search meets the following guidelines:

- The search shall be conducted in a private area of the school by a school official of the same sex as the student being searched
- The search shall be observed by an objective third party of the same sex as the student being searched (i.e., administrator, teacher, police officer)
- School officials may ask the student to remove his/her. hat, coat, shoes and socks, turn pockets inside out, and roll up sleeves to see if the student is hiding contraband
- Under no circumstances may school officials require students to remove any other items of clothing or touch students in any way during the search.

If this limited search does not turn up suspected contraband and school officials have reasonable suspicion that the student is concealing contraband in his/her inner clothing (i.e., hiding drugs, weapons or other contraband underneath shirts, pants or underwear), law enforcement officers shall be summoned immediately to conduct further search and investigation.

Documentation of Searches: School officials shall thoroughly document the details of any search conducted of a student's property or person. Documentation shall be made at the time of the search, or as soon as possible thereafter, and shall include the following:

- The time, place and date of the search
- The reasonable suspicion giving rise to the search (what did school officials suspect to find during the search)
- The name and title of individuals conducting and observing the search
- A statement about evidence that was found or not found as a result of the search
- A statement about who took possession of contraband (i.e., police, school, etc.)
- Information regarding the attempts of school officials to notify parents about the search.

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