



Shonto Governing Board of Education, Inc. Policy Statement

SUBJECT: Search and Seizure
POLICY NUMBER: JIH
DATE OF ORIGINAL POLICY: 3/4/03

EFFECTIVE DATE: 12/19/16
DATE OF NEXT REVIEW: 2/2020
DATED: 2/6/17

I. PHILOSOPHY:

The Shonto Preparatory School is committed to maintaining a safe environment on campus. The region, state, and nation has seen an increase in violence in schools perpetuated by both school students and people not associated with the school directly. Although students are afforded 4th amendment rights it is also necessary to consider the rights of the majority of students, parents, staff, and visitors to campus with the assurance of entering a safe place free of any threat of violence. This policy is written with the intent to be a protective measure demonstrating our commitment to provide a safe environment yet protecting the school from liability due to failure of implementing such policy.

II. POLICY STATEMENT:

Shonto Preparatory School will have a policy to search students and seize any contraband after establishing reasonable suspicion exist to warrant such search. Policy will include any person entering the school building.

III. EXCEPTIONS TO POLICY:

None

IV. AMPLIFYING INSTRUCTIONS AND GUIDELINES:

Additional Guidelines

Search and Seizure

The purpose of this policy is to help preserve and foster a safe, non-disruptive educational environment for effective teaching and learning, to maintain and foster order and discipline, to deter students from bringing weapons, drugs, alcohol or other contraband onto school property or to school-related activities, and to achieve these objectives consistent with law.

While students are entitled to the guarantees of the United States Constitution's Fourth Amendment, they still are subject to reasonable searches and seizures. School officials are empowered to conduct reasonable searches of particular students and student property when there is reasonable suspicion that a student may be in possession of drugs, weapons, alcohol, or other contraband in violation of school rule or policy or law.

All school-related property always remains under the control of school officials and is subject to search at any time. School-related property includes but is not limited to computers, lockers, cabinets, desks, bookcases, buses and other vehicles and items controlled or directed by school officials in the support of educational-related programs or



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activities.

In the initiation and conduct of any search, a school administrator will remain in charge at all times. A school administrator initially will seek voluntary consent to the search. In general, no member of law enforcement may be authorized to conduct a search on behalf of the school but may facilitate a school search under the continuing control and direction of a school administrator. A canine also may be utilized under proper circumstances to facilitate a school administrator's search. Law enforcement officials may, under circumstances authorized by law, conduct their own independent searches (e.g., upon belief that a crime is being committed in their presence or in exigent circumstances).

Reasonable Suspicion

The school official performing a search must be able to articulate a reason for suspecting the student possesses something, which violates the law or school rule or policy. For example, reasonable suspicion may exist because of eyewitness observations of school personnel, information from a reliable informant, suspicious behavior, a bulge suggestive of weapon or contraband, recognizable smell of tobacco, alcohol or marijuana, unusual behavior, or the student's history and school record. A mere "hunch" or guess is not a sufficient basis to undertake a search.

Individualized Suspicion

In order for a search to be reasonable, it ordinarily must be based on not only reasonable suspicion but also on individualized suspicion of wrongdoing. This requirement does not mean that the suspicion must always be confined to only one person at a time. There may be special situations in which a group of students is so specific and small that each of the individuals in the entire group may be searched consistent with the individualized suspicion requirement.

School Property – Lockers and Desks, etc.

Student lockers, desks, student vehicles and other similar property are owned, leased or controlled at all times by the school. The school exercises exclusive control over the school-related property and a student should not expect any privacy whatsoever regarding items placed or stored in or on school-related property, because school-related property is subject to search at any time by school officials.

School Computers

School computers, files, software, and other similar educational technology, including Internet access records, including but not limited to data, are controlled by the school. The school exercises exclusive control over the school property, and a student should not expect any privacy whatsoever regarding the property because school property is subject to search at any time by school officials. Students are only authorized to use school computers and other similar educational technology consistent with the educational mission of the school and in accordance with Policy Acceptable Computer System Use.



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The Person

A student may be searched if there is individualized reasonable suspicion that the search will turn up evidence that the student has violated either the law, school board policy or a rule of the school. A particular student's effects (e.g. purse, book bag or personal electronic device) are also subject to being searched by school official and are subject to the same rule. As a search of a student becomes more intrusive, an increasingly higher degree of individualized suspicion must exist. The scope of the search must be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

A search should be conducted in private, to the extent practicable. In all circumstances in which the search of a student appears necessary, school officials should inform the student of the action to be taken and the reason(s) for the search. School officials should initially request voluntary consent for the search.

If a student resists or otherwise refuses to consent to a search, the student should be immediately removed and be reasonably isolated until a parent(s) and/or law enforcement representative arrives to assist with the situation in order to observe or minimize disruption. If the student presents any danger to self or others, or if there is reasonable suspicion to believe that the student possesses a weapon or drugs or alcohol, the student immediately may be reasonably searched by a school administrator. An uncooperative or disruptive student will remain subject to disciplinary action.

If a pat-down search of a student's person is conducted, it will be conducted in private by a school official of the same sex and with an adult witness present, when feasible. No pat-down search should involve contact with bodily areas typically regarded as particularly sensitive areas.

If school officials conclude that a more intrusive search (e.g. a search that would involve exposure of or contact with particularly sensitive bodily areas) is needed, they should call the parent(s) of the students involved and report their suspicions to parent(s) and to the police. School officials should not conduct highly intrusive searches. Any strip search is prohibited.

Except as to a small number of particular students, group searches will not be permitted. Searches of students and their effects must be particularized.

Vehicles

Students are permitted to park on school premises as a matter of privilege, not of right. Any person who operates a vehicle on school property or in connection with any school-related activity impliedly authorizes school authorities to conduct a search of the vehicle and its contents without notice, without further consent, and without a search warrant. School authorities may conduct routine periodic patrols of parking lots and inspections of the exteriors of student vehicles on school property or in connection with any school-related activity without cause, without notice, without consent, and without a search warrant. The interiors of vehicles may be inspected whenever there is



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individualized reasonable suspicion to believe that illegal or unauthorized materials are contained inside, without notice, without student consent, and without a search warrant.

Canine Sniffs by Trained Dogs

Canine sniffs of student lockers, desks and other property may be performed at any time. If the dog alerts to an area, then individualized suspicion exists for the search of the area and the space(s) and items in the vicinity. No use of canines should be undertaken except at the request of the Superintendent or designee. When the canine arrives at the location for the canine initiative, the principal/designee becomes the Superintendent's designee in directing and controlling any search.

Location

Searches of students and student property may be conducted whenever the student is involved in or attending a school sponsored or related function, whether it is on the school campus or not. Searches, whether on or off the school campus, are to be conducted in accordance with school policy.

Seizure of Illegal Item

If a search conducted pursuant to this policy yields or reveals an illegal contraband item, then the item should be promptly tagged, bagged, and documented (e.g., photographed, receipted) and turned over to a designated school administrator or the school resource officer until the materials are no longer required or needed. Any contraband should be safeguarded and kept separate from any other items in such a way as to preserve its clear identity.

Cameras

If cameras are used in or about any facility or activity, they are regarded as evidence-gathering devices only, not devices guaranteeing or warranting surveillance monitoring or crime detection or prevention. Any film or other means of capturing images is the property of the school and not a scholastic or student record subject to any state or federal law, such as the Family Educational Rights and Privacy Act (FERPA).

Notice

Students will be provided notice of this policy concerning search and seizure by having it placed in the school handbook or distributed by supplemental publication. In the event that any provision of this policy, if strictly construed, would likely result in danger to any person by reason of (a) apparent emergency, or (b) by adverse conduct of a student or other person, any person acting under the authority of the Shonto Preparatory School Board pursuant to this policy is authorized to take any reasonable action.

Restraint of Student

To protect a student or others, any School Board employee may temporarily restrain a



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student. Reasonable care should be taken in such action.

V. DELEGATION OF AUTHORITY:

- A. The Superintendent of Schools is directly responsible for communicating this policy to all appropriate parties and enforcing its provisions.
- B. Each school principal is responsible for knowing the contents of this policy thoroughly and for explaining the contents of this policy to all employees under his/her jurisdiction at least once annually. Staff shall be provided an annual in-service on the provisions of this policy.

VI. REPORTS:

The Shonto Governing Board shall receive a report of any student or staff member who is expelled or disciplined as a result of this policy's enforcement.

VII. FORMS:

None

VIII. LEGAL CITATION:

The United States Supreme Court has held that public schools are governmental entities included in the constitutional prohibition against unreasonable searches.

IX. EXPIRATION:

This policy will be revised as needed to fulfill unanticipated needs due to personnel changes and events that require amendments. This policy will expire three (3) years after its acceptance unless re-approved.

X. SIGNATURE BLOCK:


Submitted by: Lemual B. Adson
Superintendent

Date: 2/6/17

1st Reading: December 19, 2016

2nd Reading: January 12, 2017

3rd Reading: February 6, 2017

Established: 
Martha Tate, Board President
Shonto Governing Board of Education, Inc.