

STUDENT INTERROGATIONS, SEARCHES AND ARRESTS

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The Board of Education seeks to maintain a climate in the schools, which is conducive to learning and protective of the safety and welfare of staff and students. To achieve this goal, it may be necessary for school personnel to search the person and/or the personal property of the student and to seize any property deemed injurious or detrimental to the safety and welfare of students or staff.

Searches may be conducted by a school official (for the purpose of this policy, school official shall mean any administrator and any other employee authorized by the school principal) who has reasonable grounds for suspecting that a search will turn up evidence that the student has violated either the law, school rules or Board policy. When reasonable grounds for a search exist, school personnel may search a student and/or her/his property (including a motor vehicle) while on school premises, in a school vehicle or during a school activity under the circumstances outlined in this policy and may seize any illegal, unauthorized contraband materials. School property remains under the control of school officials and is subject to search at any time.

Any search conducted by a school official shall not be any more intrusive than necessary, considering the age and sex of the student and nature of the suspected infraction. Whenever feasible, another school employee shall be present to witness the search.

When the student is present during the search, the student may be informed of the reason(s) for conducting the search and the student's permission to perform the search will, in most cases, be requested. A student's failure to cooperate with school officials conducting a search shall be considered grounds for disciplinary action. Law enforcement officials may also be notified.

At the time of the request, refusal by a student, parent/guardian, or owner of a vehicle to allow access to and search of a motor vehicle on the school premises shall be cause for termination of the privilege of bringing the vehicle on to the school premises. Refusal to submit to a search also may result in disciplinary action and notification of law enforcement officials.

Definitions

1. "Reasonable suspicion/reasonable cause to suspect" is the standard for the search on school property or at school activities carried out by school officials. "Reasonable suspicion/reasonable cause to suspect" should be based on facts provided by a reliable informant or personal observation which cause the school official to believe,

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based on her/his own experience, that search of a particular person, place or thing would lead to the discovery of evidence of a violation of Board policy, school rules or the law. "Reasonable suspicion/reasonable cause to suspect" requires more than a mere hunch.

2. "Contraband" consists of all substances or materials prohibited by Board policy, school rules or the law, including but not limited to, drugs, alcoholic beverages, weapons, explosives and incendiary devices. It also includes items acquired unlawfully, whether by theft or by other means prohibited by Board policy or school rules.

Search of School Property

School lockers, desks and other storage areas are school property and remain at all times under the control of the school. School property provided for the use of students is subject to inspection, clean-outs, access for maintenance and search pursuant to this policy. Consequently, students should not expect privacy regarding items placed in school property.

Students shall assume full responsibility for the security of their lockers and/or other storage areas in the manner approved by school officials. No student shall lock or otherwise impede access to any locker, desk or storage area except with a device approved by school officials. Unapproved devices shall be removed or destroyed. Students shall be responsible for whatever is contained in desks and lockers assigned to them by the school, regardless of whether they may have placed a given item in the locker or desk.

The principal or those authorized by the principal, may search a desk, locker or any other storage area and its contents when s/he believes that contraband may be found or for some other reason believes it is appropriate. Whenever feasible, another school employee shall be available to witness the search.

Search of the Student's Person

The principal or those authorized by the principal may search the person of a student, if the school official has reasonable cause to suspect that the student is in possession of contraband.

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Search of the person shall be limited to: 1) the student's pockets, jacket, coat, sweater, shirt, hat, shoes, socks or other outer clothing; 2) any object in the student's possession, such as a purse, backpack or briefcase; and 3) a "pat-down" of the exterior of the student's clothing.

Ordinarily and where circumstances permit, searches of the person should be conducted out of the presence of other students and as privately as possible and at least one additional school employee shall witness but not participate in the search. Searches by persons who are the same sex as the student being searched shall be preferred when the circumstances warrant.

In cases where a search uncovers contraband, the parent or guardian of any student searched shall be notified of the search as soon after the search as reasonably possible or prior to the search at the school official's discretion. Where contraband is not found, parental notification is strongly encouraged but shall be at the discretion of the school official.

Searches of the person, which require removal of clothing other than a jacket, coat, sweater, shirt, hat, shoes, socks or other outer clothing shall be referred to a law enforcement officer. No strip search shall be carried out by any school employee.

Metal Detectors, Alcohol Detection Devices and Canines

A. Site Manager Authority

The Board authorizes, at the discretion of the building principal, the use of **hand-held** metal detectors and of alcohol detecting devices where appropriate to ensure the safety and welfare of persons attending school and school-related functions.

B. Board/Superintendent Approval Required

The Board also authorizes, but only with the express permission of the Superintendent or designee after consultation with the Board, the use of stationary metal detectors in unusual cases for the protection of students or others. The Board also authorizes the use of canines in cooperation with law enforcement in appropriate cases.

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Where the use of stationary metal detectors, alcohol detection devices or canines will be a regular and recurring event, steps shall be taken to notify students and parents/guardians of the use of such devices in a given school building.

C. Law Enforcement Officers' Involvement

The principal or one authorized by the principal may request a search on school premises be conducted by a law enforcement officer. When law enforcement authorities are involved in the search, the search will be conducted under criminal law standards rather than under the provisions of this policy.

When law enforcement officers respond to such a request, no school employee shall assist or otherwise participate in the search unless under the direct request of the law enforcement officer. If the school employee decides to honor the request, it shall be done under the direct supervision of the law enforcement officer.

If law enforcement personnel seek permission from school officials to search a student, her/his property or school property to obtain evidence related to criminal activities, school officials shall require the police to produce a valid search warrant before the search is conducted, unless:

1. there is uncoerced consent by the student; or
2. law enforcement personnel indicate that there is probable cause and circumstances such that taking the time to obtain a search warrant would frustrate the purpose of the search; or
3. the search is incident to an arrest and is limited to the person and his/her immediate surroundings.

When law enforcement officials request permission to question students when students are in school or participating in school activities, the principal or one authorized by the principal shall be present. Every effort will be made to contact the parent before law enforcement questions a student.

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Every effort shall be made not to draw attention to the student being questioned by conducting the interrogation in private and with as little disruption to the school as possible.

Seizure of Items

Anything found in the course of a search conducted by school officials which is evidence of a violation of law, school rules or Board policy or which by its presence presents an immediate danger or harm may, at the principal's discretion, be either:

1. seized and offered as evidence in any suspension or expulsion proceeding. Such material shall be kept in a secure place by the principal until it is presented at the hearing;
2. returned to the student or her/his parent or guardian;
3. destroyed, if it has no significant value; or
4. turned over to any law enforcement officer.

Appeals

Within 10 school days after a search, the student may appeal the search decision to the principal, who shall investigate in a timely manner the reason(s) and circumstances of the search. These findings shall constitute the basis for the principal's decision on the student's appeal.

The principal shall forward a written copy of the findings and appeal decision to the student and the Superintendent. Within five school days after receipt of the principal's written report, the student may appeal the decision to the Superintendent.

The Superintendent shall review the case and shall issue a decision in writing to the student. The Superintendent's decision on the appeal shall constitute the final district determination.

AURORA PUBLIC SCHOOLS
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In the event that the student is being recommended for suspension or expulsion as a result of a search, the student shall comply with the appeals provision set forth in policy and regulation JKD/JKE, Suspension/Expulsion of Students.

LEGAL REFS.: C.R.S. 22-32-109.1(2)(a)(I)(I) (policy required as part of safe schools plan)

CROSS REFS.: JK, Student Discipline
JKD/JKE, Suspension/Expulsion of Students
KLG, Relations with Law Enforcement Authorities