

Interrogations and Searches

The Board of Education is committed to maintaining a climate in district schools which is conducive to learning and protective of the safety and welfare of staff and students. In order to maintain such a climate, the Board recognizes that it may be necessary for school personnel to search the person and/or property of students and to seize any items possessed or used in violation of law or district policy or regulations, or deemed injurious or detrimental to the safety and welfare of students and staff. The superintendent is directed to establish and periodically revise, as appropriate, regulations governing student interrogations and searches.

Adopted: August 20, 1985

Revised: May 2000

LEGAL REF.: C.R.S. 22-32-109.1 (2)(a)(VIII)

CROSS REF.: JIC/JK, Student Conduct and Student Discipline
JICA, Student Dress
JICE, Student Publications
JICEC, Student Distribution of Non-Curricular Materials
JICF, Secret Societies/Gang Activity
JICG, Use of Tobacco By Students
JICH, Drug and Alcohol Use by Students
JICI, Weapons in School
JJA, Student Organizations
JJF, Student Activities Funds
JJH, Student Travel
JJI, Student Athletics
JJJ, Extracurricular Activity Eligibility
JKA, Corporal Punishment/Reasonable Restraint
JKD/JKE, Students Suspension and Expulsion

Interrogations And Searches

Adams County School District No. 1 seeks to maintain a climate in its 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 property of students and to seize any items possessed or used in violation of law or district policy or regulations, or deemed injurious or detrimental to the safety and welfare of students and staff.

Searches of students may be conducted by school officials who have reasonable grounds for suspecting that the search will turn up evidence that the student has violated either the law or district policy or regulations. When reasonable grounds for a search exist, school personnel may search the student and/or the student's property while on school premises or during a school activity under the circumstances outlined in this regulation, and may seize any illegal, unauthorized or contraband materials.

Any search of a student 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 possible, the student shall be informed of the reason(s) for conducting the search and the student's permission to perform the search shall be requested. However, a student's failure or refusal to give such permission shall in no way be construed as prohibiting or limiting the district's ability to conduct any search based on reasonable suspicion as described in this regulation. A student's failure to cooperate with school officials conducting a search shall be considered grounds for disciplinary action.

An administrative report shall be prepared by the school official conducting the search, explaining the reasons for the search, the results of the search and the names of any witnesses. If the search produces evidence to be used as the basis for disciplinary action, the report shall be filed in the student's cumulative folder.

Definitions

1. "Reasonable suspicion" is the standard for school officials to search a student on school property or at school activities. Reasonable suspicion should be based on facts provided by a reliable informant or on personal observation which causes the school official to believe, based on his/her own experience, that search of a particular person, place or thing would lead to discovery of evidence of a violation of law or of district policy or regulations. Reasonable suspicion requires more than a mere hunch.
2. "Contraband" consists of all substances or materials prohibited by law or by district policy or regulation, including but not limited to drugs, alcoholic beverages, guns, knives, other weapons and incendiary devices.

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. All such school property provided for student use shall be subject to inspection and search at any time.

Students shall assume full responsibility for the security of their school lockers, desks and other storage areas in the manner approved by the administration. Students shall be responsible for whatever is contained in desks, lockers and other storage areas assigned to them by the school.

The principal or his/her designee may search a school desk, locker or any other storage area and its contents without reasonable suspicion to verify and help ensure compliance with governing law and with district policy and regulations. Whenever possible, another person shall be available to witness the search.

Parking Lot Searches

The privilege of any student being allowed to bring a motor vehicle onto school premises is conditional on consent by the student driver to allow search of the vehicle when there is reasonable suspicion that the search will yield evidence of contraband. Refusal by the student, student's parent or guardian, or the owner of the vehicle to allow such a search at the time a request to search the vehicle is made shall be cause for termination, without a hearing, of the privilege of bringing the vehicle onto school premises. Routine patrolling of student parking lots and inspection of the outside of motor vehicles therein shall be permitted at all times.

Search of the Student's Person

The principal or his/her designee may search the person of a student if the school official has reasonable grounds for suspecting that the student is in possession of contraband.

Search of the student's person shall be limited to the student's pockets, any object in the student's possession such as a purse or briefcase, and/or a "pat down" of the exterior of the student's clothing.

Searches of the student's person shall be conducted out of the presence of other students and as privately as possible. At least one but not more than three additional persons of the same sex as the student being searched shall witness but not participate in the search. The parent or guardian of any student searched shall be notified of the search as soon as reasonably possible.

Searches of the student's person which require removal of clothing other than a coat or jacket shall be referred to a law enforcement officer. No strip searches shall be carried out by any school employee.

Law Enforcement Officers' Involvement

The principal or his/her designee may request that a search on school premises be conducted by a law enforcement officer. When law enforcement authorities are involved in the search, the search should be conducted under appropriate criminal law standards rather than under the standards set forth in these regulations. When law enforcement officers respond to such a request, no school employee shall assist or otherwise participate in the search unless under the direct order of the law enforcement officer.

If law enforcement personnel seek permission from school authorities to search a student, the student's person or school property used by the student to obtain evidence related to suspected criminal activity, 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.
2. There is probable cause, and taking the time to obtain a search warrant would under the circumstances frustrate the purpose of the search.
3. The search is incident to an arrest and is limited to the student's person and his/her immediate surroundings.

If law enforcement officials request permission to question a student who is in school or participating in a school activity, the principal or his/her designee shall make an effort to notify the student's parent or guardian. Parents are generally not to be contacted when cases of intrafamilial child abuse are being investigated.

Every effort shall be made not to draw any attention to law enforcement interrogation of students by having the interrogation conducted in private and with as little disruption to the student's schedule as possible.

When custody and/or arrest of a student by law enforcement officials is involved, the principal shall request that all procedural safeguards, as prescribed by law, be observed by the law enforcement officers.

Seizure of Items

Anything found in the course of a search conducted by school officials which is evidence of a violation of law or district policy or regulations, or which by its presence presents an immediate danger of physical harm, may be handled in one or more of the following ways:

1. The material may be 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. The material may be returned to the student or to the student's parent or guardian.
3. The material may be turned over to any law enforcement officer in accordance with this regulation.

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