

Policy JFG: SEARCHES OF STUDENTS

Status: DRAFT

Original Adopted Date: 12/16/1999 | Last Revised Date: 12/14/2023

23D UPDATE EXPLANATION

MSBA has modified this policy to make it clear that students will not be allowed to possess, distribute, or use marijuana of any kind on district property or at a district activity. There are several laws that prevent students from possessing, distributing, or using the substances covered in this policy.

The possession, distribution, and use of marijuana is illegal under federal law. Further, under the Missouri Constitution, no person under 21 may possess recreational marijuana, and students who are unemancipated and younger than 18 are not allowed to possess medical marijuana even if they have a medical marijuana card. Public use of recreational marijuana is prohibited, and medical marijuana cannot be smoked in public.

The district respects the privacy of students. However, to maintain a safe learning environment and properly investigate potential misconduct, district personnel may search student property or district property used by students and, in some limited situations, may require students to undergo drug and/or alcohol testing. All searches will be conducted professionally and in accordance with law. The superintendent or designee is directed to provide staff with appropriate training and is authorized to contact the district's attorney for advice prior to conducting any search.

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Searches by District Personnel

Searches of District Property

Students do not have an expectation of privacy in district-provided property. Lockers, desks, technology, and other district property are provided for the convenience of students and are subject to periodic inspection in accordance with law.

Searches of Student Property

Student property, including vehicles parked on district property, may be searched based on reasonable suspicion of a violation of law, district policy, or other rules applicable to students. Reasonable suspicion must be based on facts known to the administration, credible information, or reasonable inference drawn from such facts or information. Searches of student property shall be limited in scope based on the original justification for the search and shall be carried out in the presence of adult witnesses when possible. The students' privacy and dignity of students shall be respected. Searches shall be carried out in the presence of adult witnesses when possible.

Searches of Students

If reasonable under the circumstances, district administrators performing a search may require students to empty pockets or remove jackets, coats, shoes, and other articles of exterior clothing that when removed do not expose undergarments not otherwise observable.

District administrators will contact law enforcement officials to perform a search if they reasonably suspect that a student is concealing controlled substances, drug paraphernalia, weapons, stolen goods, or evidence of a crime beneath his or her clothing and the student refuses to surrender such items. District administrators may contact law enforcement officials for assistance in performing a search in any case in which a student refuses to allow a search or in which the search cannot be conducted safely.

District employees, administrators, and volunteers, other than commissioned law enforcement officials, shall not strip search students, as defined in state law, except that an administrator may conduct such a search if a commissioned law enforcement officer is not immediately available and the administrator has reason to believe that the student possesses a weapon, explosive, or substance that poses an imminent threat of physical harm to the student or others.

If a student is strip searched, as defined in state law, by an administrator or a commissioned law enforcement officer, the district will attempt to notify the student's parents/guardians as soon as possible. For the purposes of this section, the term "strip search" shall not include the removal of clothing in order to investigate the potential abuse or neglect of a student, give medical attention to a student, or screen a student for medical conditions.

Drug-Detection Dogs

The district may arrange for law enforcement officials to use professionally trained dogs to detect the presence of drugs on district property. A drug-detection dog alerting to the presence of drugs will constitute reasonable suspicion for district administrators to conduct a search. Drug-detection dogs will not come into direct contact with students. The superintendent or designee shall develop procedures for the use of drug-detection dogs.

Student Drug and Alcohol Testing

If district personnel have reasonable suspicion that a student is inebriated or has come to school soon after consuming under the influence of drugs or alcohol, the district may require the student to participate in a drug or alcohol test given by district authorities. If the student who refuses to participate in drug or alcohol testing, the student may be disciplined as if they tested positive for the substance. Drug and alcohol testing are not a

necessary or exclusive means of determining from the available evidence that a violation of district policy has occurred.

In accordance with law, the district may implement a random student drug-testing program for students in extracurricular activities.

School Resource Officers

A school resource officer (SRO) may accompany district officials executing a search or may perform searches under the direction of district officials based on the reasonable suspicion standard. However, the SRO may choose not to participate in the search if the SRO believes that such participation might interfere with the successful future criminal prosecution of the student.

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Policy Reference Disclaimer: These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

State References

	Description
§167.166, RSMo	State Statute - https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==
§210.145, RSMo.	State Statute - https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==
§544.193, RSMo.	State Statute - https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==
MO COURT	Burlisonv. Springfield Pub. Schs., 708 F3d 1034 (2013) - https://simbli.eboardsolutions.com/SU/UbQL1xGtQpuhwFoCYu2lOw==
Mo. Const. art. XIV §§ 1-2	State Statute - https://simbli.eboardsolutions.com/SU/slashVClyWU73Tdpv4JZYxrPDw==

Federal References

	Description
21 U.S.C. §§ 841, 844, 860	Federal Statute - https://simbli.eboardsolutions.com/SU/666wN8lBMZ2BjHz5ZslshG8pQ==
FEDERAL COURT	New Jersey vs. T.L.O., 469 U.S. 325 (1985) - https://simbli.eboardsolutions.com/SU/wetoaJSTYbAplusslshomcUbe4pA==
U.S. Const. amend. IV	U.S. Constitution - https://simbli.eboardsolutions.com/SU/BahLMEbzGORzsaRbDVEg3Q==

Cross References

	Description
ECD	TRAFFIC AND PARKING CONTROLS - https://simbli.eboardsolutions.com/SU/encqXs4g9dcFU7wx6LSFSA==
ECG	ANIMALS ON DISTRICT PROPERTY - https://simbli.eboardsolutions.com/SU/42hqgx4HDplusesj0ARXKAzXg==
EHB	TECHNOLOGY USAGE - https://simbli.eboardsolutions.com/SU/4DVOL67g61bc2fZYei4JiQ==
EHB-AP(1)	TECHNOLOGY USAGE - (Technology Safety) - https://simbli.eboardsolutions.com/SU/rX2G9rKtAzsv18d6uQeduw==
EHB-AP(2)	TECHNOLOGY USAGE - (Access to Blocked or Filtered Content) - https://simbli.eboardsolutions.com/SU/HwzqRXsopSw1VfBBR3qUYw==
GBCB	STAFF CONDUCT - https://simbli.eboardsolutions.com/SU/vGkbO6lNKBTmKIJ12plusdXxw==
GCPD	SUSPENSION OF PROFESSIONAL STAFF MEMBERS - https://simbli.eboardsolutions.com/SU/Q5foRdr20qu5plusAH9jAG7gQ==

GDPD

SUSPENSION OF SUPPORT STAFF MEMBERS -

<https://simbli.eboardsolutions.com/SU/EqQ01kxVQdQIEswHwIK9Cw==>

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RELATIONS WITH LAW ENFORCEMENT AUTHORITIES -

<https://simbli.eboardsolutions.com/SU/VLcMGKk8idvZIEZwslshYbG0w==>

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