

Policy JFG: SEARCHES OF STUDENTS

Status: DRAFT

Original Adopted Date: 12/16/1999 | Last Revised Date: 10/14/2004 | Last Reviewed Date: 10/14/2004

EXPLANATION

MSBA has revised this policy to address student searches exclusively. New policy JFGA will be devoted to student interviews.

Many districts have asked for language relating to drug-detection dogs, so MSBA has added a section addressing the basic parameters for using drug-detection dogs. JFG-AP1, also in this update, provides more detail about using drug-detection dogs. There is also a basic form letter (JFG-AF1) the district may use to notify the school community of the intent to use drug-detection dogs.

This updated policy includes language about testing students for drugs and alcohol as well as updated language on the use of school resource officers.

The district should always proceed with caution when conducting searches related to students and should contact the MSBA legal department or the district's private attorney with any questions before doing so.

The district respects the privacy of students. However, in order 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.

Searches by School District Personnel

Searches of District Property

Students do not have an expectation of privacy in district-provided property. School lockers, desks, technology and other district property are provided for the convenience of students and, as such, are subject to periodic inspection without notice 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 rules, policy or law 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 of for the search. The privacy and dignity of students shall be respected. Searches shall be carried out in the presence of adult witnesses and not in front of other students, unless exigent circumstances exist when possible.

It is a privilege, not a right, to park on school grounds. The school retains the authority to conduct routine patrols of any vehicle parked on school grounds. The interior of a student's automobile on school premises may be searched if the school authority has reasonable suspicion to believe that such a search will produce evidence that the student has violated or is violating either the law or district policy.

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.

The administration District administrators will contact law enforcement officials to perform a search if the administration they reasonably suspects 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 may be contacted for assistance in performing a search in any case in which a student refuses to allow a search or in which the search cannot safely be

conducted safely.

School District employees, administrators and volunteers, other than commissioned law enforcement officers, shall not strip search students, as defined in state law, except in situations where an employee reasonably believes 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 and a commissioned law enforcement officer is not immediately available.

If a student is strip searched, as defined in state law, by a school employee an administrator or a commissioned law enforcement officer, the district will attempt to notify the student's parents/guardians as soon as possible.

During an examination, and if reasonable under the circumstances, school employees may require students to empty pockets or remove jackets, coats, shoes and other articles of exterior clothing that when removed do not expose underwear. Employees may also remove student clothing to investigate the potential abuse or neglect of a student, give medical attention to a student, provide health services to a student or screen a student for medical conditions. 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 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 drugs or alcohol, the district may require the student to participate in a drug or alcohol test given by district authorities. If the student refuses to participate, the student may be disciplined as if the student tested positive for the substance.

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

School Resource Officers

The A school resource officer (SRO) may interview or question students regarding an alleged violation of law. A school resource officer may also accompany school district officials executing a search or may perform searches under the direction of school 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.

Interview with Police or Juvenile Officers/Other Law Enforcement Officials

Law enforcement officials may wish to interview students regarding their knowledge of suspected criminal activity and may wish to interrogate students who are themselves suspected of engaging in criminal activity. Such interviews and interrogations are discouraged during class time, except when law enforcement officials have a warrant or other court order or when an emergency or other exigent circumstances exist. It is the responsibility of the principal or designee to take reasonable steps to prevent disruption of school operations while at the same time cooperating with law enforcement efforts.

When law enforcement officials find it necessary to question students during the school day or during periods of extracurricular activities, the school principal or designee will be present and the interview will be conducted in private. The principal will verify and record the identity of the officer or other authority and request an explanation of the need to question or interview the student at school. The principal ordinarily will make reasonable efforts to notify the student's parents/guardians unless the interviewer raises a valid objection to the notification.

Removal of Students from School by Law Enforcement Officials

Before a student at school is arrested or taken into custody by a law enforcement official or other legally authorized person, the principal will verify the official's identity. To the best of his or her ability, the principal will verify the official's authority to take custody of the student. The school principal will attempt to notify the student's parents/guardians that the student is being removed from school.

Interview with the Children's Division

Representatives of the Children's Division (CD) of the Department of Social Services may meet with students on campus. The district liaison will work with CD to arrange such meetings so they are minimally disruptive to the student's schedule. If the student is an alleged victim of abuse or neglect, CD may not meet with the student in any school building or child care facility where the abuse of the student allegedly occurred. The principal will verify and record the identity of any CD representatives who request to meet with or take custody of a student.

Contacts by Guardian Ad Litem and Court-Appointed Special Advocate

When a court-appointed guardian ad litem or special advocate finds it necessary to interview a student during the school day or during periods of extracurricular activities, the school principal or designee must be notified. The principal will verify and record the identity of the individual through the court order that appoints him or her. The interview must be conducted in a private setting and with the least disruption to the student's schedule.

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

§167.166, RSMo

Description

State Statute - <https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§210.145, RSMo.

State Statute - <https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

§544.193, RSMo.

State Statute - <https://simbli.eboardsolutions.com/SU/slshVClyWU73Tdpv4JZYxrPDw==>

MO COURT

Burlisonv. Springfield Pub. Schs., 708 F3d 1034 (2013) - <https://simbli.eboardsolutions.com/SU/UbQL1xGtQpuhwEoCYu2lOw==>

Federal References

FEDERAL COURT

Description

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

ECD

Description

TRAFFIC AND PARKING CONTROLS - <https://simbli.eboardsolutions.com/SU/encqXs4g9dcFU7wx6LSFSA==>

ECG

ANIMALS ON DISTRICT PROPERTY - <https://simbli.eboardsolutions.com/SU/42hqg4HDplusesj0ARXKAzXg==>

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/vGkbO6lNKBTmKlJ12plusdXxw==>

GCPD

SUSPENSION OF PROFESSIONAL STAFF MEMBERS -
<https://simbli.eboardsolutions.com/SU/Q5foRdr20qu5plusAH9jAG7gQ==>

GDPD

SUSPENSION OF SUPPORT STAFF MEMBERS -
<https://simbli.eboardsolutions.com/SU/Eoq01kxVQdQIEswHwIK9Cw==>

KNAJ

RELATIONS WITH LAW ENFORCEMENT AUTHORITIES -
<https://simbli.eboardsolutions.com/SU/VLcMGKk8idvZIEZwslshYbG0w==>

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