

SEARCH PROCEDURES

445.1-Rule

A. Cooperation with Law Enforcement Agencies

If law enforcement personnel seek permission from school authorities to search a student or the student's property or locker to obtain evidence related to criminal activities, the school officials shall require the police to obtain a valid search warrant unless: 1) there is uncoerced consent by the person whose interests are involved, 2) probable cause and circumstances are such that taking the time to obtain a warrant would frustrate the purpose of the search or, 3) a valid arrest has been made and the search is incidental to the arrest. School officials shall make a good faith effort to notify parents/guardians when a request is made to search a student or the student's property.

B. Law Enforcement Officials May conduct searches at the request of school officials.

C. Search by School Authorities

1) Who May Conduct a Search

- a) A school official or his/her designee and one additional person may conduct a search. Under no circumstances will school staff conduct or be party to a strip search.
 - 1) A school official is defined as a Board member, a superintendent, an assistant superintendent, a principal, or an assistant principal.
 - 2) A designee is defined as any District employee designated by a school official for the purpose of conducting a search. If there is a certified school employee present, that individual shall be the designee.
 - 3) On a field trip, during an extra-curricular activity, or on a school bus, any school official or his/her designee, male or female, may conduct a search without an additional person. Any search must be conducted within the guidelines of the procedures covered under

2) Documentation

For all searches in which the student refuses to cooperate, the individual doing the search shall maintain a written record of all actions leading up to and including the search. In all other searches, records will be maintained at the discretion of the individual doing the search.

3) Search of Students

In the interest of the welfare of the students and the school community, it may be necessary to search a student or the student's property. The search may be conducted if the school official or his/her designee has a reasonable suspicion that the student has obtained, or has in his/her possession, items in violation of school regulation, local ordinance or state law.

No school official may conduct such search unless he/she suspects, from reliable information or personal observation, that a student is in violation of school rules, local ordinance or state law.

In such cases, the following procedure will be used:

- a) The student will be informed of the reason for conducting the search.
- b) Permission of the student to conduct the search will be requested.

1) Conducting the search with the student's consent.

The school official or his/her designee who is conducting this search has the right to request a student to empty pockets, purses, backpacks, or other articles used to carry personal effects; to remove hats, shoes, and/or to roll socks down. The school official or his/her designee can also request a student to remove outer garments, such as sweatshirts, sweaters, jackets or vests if worn over blouses, shirts or t-shirts. No school official or school employee has the right to request the removal of any other clothing or to conduct a strip search as defined under Section B) 3, b) 2 c).

If the student cooperates, the school official or his/her designee may notify the student's parent or guardian of the reason for such search.

- 2) Procedure if a student refuses to cooperate.
If a student refuses to cooperate, the school official or his/her designee has the authority to proceed, subject to the limitations described below.

a) Pre K-8 Students

An attempt will be made to contact the student's parent or guardian in order to request him/her to encourage the student to cooperate. If the parent or guardian cannot be reached or if the student continues to refuse to cooperate, the school official or his/her designee may turn the matter over to law enforcement officials for appropriate action. The student may be detained until the law enforcement official arrives.

If the parent or guardian has not been contacted and the law enforcement officials are involved, the school official or his/her designee will notify the parent or guardian as soon as possible as to the reason for such search.

b) 9-12 Grade Students

The school official or his/her designee may involve a parent/guardian or to turn the matter over to law enforcement officials. The student may be detained until the law enforcement official arrives. If the matter is turned over to the law enforcement officials, the school official or his/her designee will notify the parent or guardian as soon as possible of the search and the reason for the search by law enforcement officials.

c) Danger to Students or Other Individuals (K-12)

If a school official or his/her designee has reason to suspect that a student is carrying a dangerous or illegal item or substance and if a school official or his/her designee believes that an immediate search is necessary, he/she may search a student's pockets or belongings and conduct a pat-down search. The student may be detained until such time as a law enforcement official arrives.

At no time will a strip search be conducted by a school official or his/her designee. A strip search as defined in state law means "a search in which a detained person's genitals, pubic area, buttocks

or anus or a detained female person's breast is uncovered and either is exposed to view or touched by a person conducting a search."

d) Involvement of Law Officials

Rather than conduct a search, a school official or his/her designee may contact a law enforcement official to take appropriate action.

4) Search of Lockers

The Board of Education has provided school lockers for the purpose of providing students with a convenient receptacle for clothing, books, and other articles necessary or convenient for a student's use during the school day. The student has no property interest in any locker. The Board retains the ownership and possessory control of all student lockers. Lockers and their contents are subject to search by the administration to protect the health and welfare of the student body. A search will be conducted only when appropriate and necessary. Whenever practicable, the search will be made in the presence of the student concerned, although this is not required. Authorization to search a locker will be given only by the principal or a designee. The search will be made in the presence of two school officials as outlined in B) a), 1), 2). A record will be kept by the school of all locker searches, including the reason for the search and the findings. It is recognized that all lockers are opened and/or inspected for housekeeping and repair purposes periodically. This locker search policy shall be provided to students annually in their handbook.

445.1-Rule continued

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Waunakee Community School District