

Prepare | Explore | Empower

## **STUDENT INTERVIEWS, SEARCHES, AND SEIZURE OF PROPERTY POLICY**

### **Mission:**

The Academy serves our students to develop college ready, exemplary citizens by promoting excellence in academics, character, and relationships.

### **Purpose:**

The Academy's Board of Directors (Board) seeks to maintain a school climate that 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 staff to interview students in the process of an investigation as well as search the person and/or the personal property of a student and to seize any property deemed injurious or detrimental to the safety and welfare of students and staff.

### **Interviews by School Administrators:**

"Administrator" refers to The Academy's Chief Executive Officer, a principal, and/or their designee. Interviews of students conducted pursuant to this policy shall be conducted by two staff members, when at all possible. Absent extenuating circumstances, there will always be a staff member of the same gender as the student in the room during the interview. The nature and extent of the questioning will be reasonably related to the objectives of the questioning.

When a suspected violation of school policy, or federal, state, or local law occurs, the administrator may question potential student victims, witnesses, and suspects without the prior consent of the student's parent/guardian. If staff are investigating a report of child abuse and the suspected perpetrator is a member of the student's family, no contact with the student's family will be made. In such cases, The Academy will follow the Colorado Department of Education's Mandatory Reporter process.

### **Searches Conducted by School Administrators:**

Administrators may search a student and/or the student's personal property while on school premises or during a school activity in accordance with this policy and may seize any illegal, unauthorized, or contraband materials.

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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. A student's failure to cooperate with school staff conducting a search shall be considered grounds for disciplinary action. Absent extenuating circumstances, there will always be a staff member of the same gender as the student conducting the search of the student's person.

A written report shall be prepared by the administrator who conducted the search explaining the reasons for the search, the results, and the names of any witnesses to the search.

**Search of School Property:**

All storage areas located on premises or school-sponsored premises are The Academy's property and remain at all times subject to search without notice pursuant to this policy.

Students shall assume full responsibility for the security of any storage areas authorized for their use in the manner approved by administration. Unapproved locking devices shall be subject to removal.

**Search of The Student's Person or Personal Effects:**

An Administrator may search the person of a student or a student's personal effects such as a purse, backpack, book bag, or briefcase on school property or at a school-sponsored events/activities if the search is done in compliance with the other provisions of this policy, and the search will likely uncover:

- Evidence of a violation of school policies, or federal, state, or local law.
- Anything which, because of its presence, presents an immediate danger of physical harm or illness to any person.

Searches of a student shall always be reasonable in scope. Searches may include, but are not limited to: jackets, coats, other outerwear, hats, shoes, socks, and any object in the student's possession such as a purse, backpack, book bag, or briefcase.

Pat downs of a student shall only be done on the exterior of the student's clothing and shall only be done using the back of the staff member's hand(s).

The Academy staff conducting a search shall be respectful of privacy considerations, in light of the gender and age of the student.

Searches of a student and their personal effects may be conducted without the prior consent of the student's parent/guardian. However, the parent/guardian of any student searched shall be notified of the search as soon as reasonably possible.

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Searches of a student that requires removal of clothing other than coats, jackets, hats, shoes, socks, or other outer clothing, shall be referred to law enforcement. The Academy staff shall not participate in these types of searches except for in extremely limited circumstances where there is an immediate danger of physical harm or illness to any person.

**Search of Student Vehicle:**

Students are permitted to park on school property as a matter of privilege, not of right. The privilege of bringing a student-operated vehicle on to school property is conditioned on consent by the student driver to allow a search of the vehicle when it's reasonably related to the objectives of the search and not excessively intrusive.

The refusal by a student, parent/guardian, or owner of a vehicle to allow access to and search of a vehicle on school property shall be cause for termination of the privilege of bringing the vehicle onto school property. Refusal to submit to a search also may result in disciplinary action and referral to law enforcement.

Routine patrolling of student parking lots and an open view inspection of student vehicles will be permitted at all times. Vehicles may be subjected to suspicionless sniffs by dogs trained to alert at the scent of drugs, alcohol, explosives, or other contraband.

**Seizure of Items:**

Anything found in the course of a search conducted by school staff which is evidence of a violation of school policy/law, or which by its presence presents an immediate danger of physical harm may be:

- Seized and offered as evidence in any suspension or expulsion proceeding. Such material shall be kept in a secure place by staff until it is presented at the hearing. If possession of the item is a violation of law (e.g., controlled substances and weapons), the items shall be turned over to law enforcement as soon as practicable.
- Photographed and may be introduced as evidence at the expulsion hearing in lieu of the items themselves if the item(s) is no longer in The Academy's possession.
- Returned to the student or the parent/guardian after a determination is made by staff that the item is no longer needed as evidence.

**Use of Metal Detectors and Drug Detecting Dogs and Mechanisms:**

The Academy may use metal detectors, drug dogs, or other minimally intrusive detecting mechanisms to conduct mass, general, or random screenings of school grounds, and any property on school property without any individualized suspicion concerning a particular student or group of students in accordance with the rights of students under state and

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federal laws. Under no circumstances shall dogs be allowed to sniff any student. Students shall be separated from their property during drug dog sweeps as to avoid potential embarrassment to students, to ensure that students are not targeted by dogs, and to decrease the possibility of dangerous interactions between dogs and students.

**Searches During Field Trips or Other School-Sponsored Events:**

If conducted in accordance with the other terms of this policy, staff may search student hotel rooms, luggage, and other property in possession of students during field trips, athletic trips, and other school-sponsored trips and events away from campus.

**Involvement of Law Enforcement:**

It is the responsibility of the law enforcement officer interviewing student witnesses or interrogating student suspects to assure compliance with all applicable procedural safeguards.

Upon request by law enforcement to interview a student witness or interrogate a student suspect, staff shall notify the student's parent/guardian, except in cases involving investigation of reported child abuse where the suspected perpetrator is a member of the student's family, when law enforcement has a court order directing that the student's parent/guardian not be notified, or when an emergency or other exigent circumstances exist. If the student is under 18, the student's parent/guardian also shall be present during the law enforcement interrogation or interview unless:

- the juvenile is emancipated as that term is defined in state law;
- the student's parent/guardian has not been notified pursuant to this policy; or
- the student's parent/guardian agrees to the interrogation or interview without being present.

The Academy may request a search on school property be conducted by law enforcement. No staff will assist or otherwise participate in searches and arrests made by law enforcement.

Students shall only be released to law enforcement officers if the student has been placed under arrest or if the student's parent/guardian and the student consent to such release. When a student is removed from school by law enforcement officers for any reason, school officials will make reasonable efforts to notify the student's parent/guardian. It is expected that all procedural safeguards prescribed by law are followed by law enforcement officers conducting student arrests. However, staff are not responsible for an officer's legal compliance when arresting a student.

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**Record of Search:**

Administrators shall make a written record of every search conducted on school property or by school staff of a student. The record shall include the following: name of the individual searched, the name of the staff that both conducted and witnessed the search, the grade level of the student, the race and gender of the student, the reason for the search, and the outcome of the search.

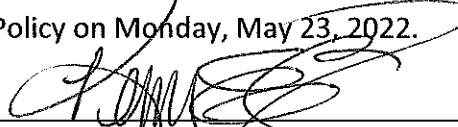
**Surveillance Cameras:**

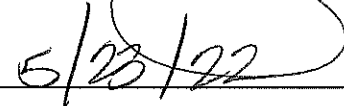
Video and audio surveillance recorders may be used by The Academy or The Academy-authorized representatives to monitor students on school property, buses, at bus stops, and at school-sponsored events on and off school property, except in areas that if monitored would violate a student's right to privacy (e.g., bathrooms, locker rooms, hotel rooms).

**Additional Legal References:**

- C.R.S. 22-32-109.1 (2)(a)(I) (duty to adopt policies on student conduct, safety, and welfare)*
- C.R.S. 22-32-109.1 (2)(a)(II) (policy required as part of a safe schools plan)*
- C.R.S. 22-32-109.1 (9) (immunity provisions in safe schools law)*
- C.R.S. 19-3-304 (mandatory reporting laws)*

The Board of Directors at The Academy approved the Student Interviews, Search, and Seizure Policy on Monday, May 23, 2022.

  
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Board Chairperson

  
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Date

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