



JIH - SEARCHES

The District prioritizes the health, safety and welfare of students, staff, and members of the community. When appropriate to ensure the safety and welfare of students, staff, and members of the community, school administrators or designees may search a student, a student's personal effects, student lockers, desks or other student storage areas, or automobiles under the circumstances outlined below and may immediately take possession of any illegal or unauthorized materials discovered in the search. A search may be conducted off school grounds at a District curricular or non-curricular activity or event. The student's parent/caregiver will be notified of any search conducted under this policy as soon as is reasonably possible.

A student's failure to permit lawful searches and seizures as provided in this policy will be considered grounds for disciplinary action in compliance with District policies.

Definitions

For purposes of this policy, these terms have the following meanings:

- **“Unauthorized”** means any item dangerous or detrimental to the health, safety or welfare of students or school personnel; disruptive of any lawful function, mission or process of the school; or any item described as unauthorized in then-current school rules or District policies.
- **“Reasonable suspicion”** is based on facts provided by a reliable informant or personal observations which cause the employee to believe that search of a particular person, place, or thing would lead to the discovery of evidence of a violation of District policy, school rule, state or federal laws. Reasonable suspicion is satisfied when two conditions exist: (1) the search is justified at its inception, meaning there are specific and articulable facts and reasonable inferences for suspecting that the search will reveal evidence that the student has violated District policy, school rule, or state or federal law; and (2) the search is reasonably related in scope to the circumstances that justified the search and the search is not excessively intrusive in light of the student's age, gender, and nature of the offense. Reasonable suspicion requires more than a mere hunch.

Canine Inspections

The District may allow the use trained dogs to identify the scent of drugs, explosives, and other illegal or unauthorized materials. Trained dogs are permitted to sniff student lockers, desks, and other school-owned student storage areas; student vehicles parked on District property; and a student's person or personal effects when the student is on District property, on a District vehicle, or at a District or school-sponsored activities or

events. An alert from a dog can constitute reasonable suspicion for a search.

Lockers, Desks, or Other Student Storage Area Searches

Student lockers, desks, or other school owned-student storage areas are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the contents and security of their lockers, desks, or other student storage areas. General inspections of the contents of the locker, desk, or other student storage area may be conducted by a school administrator or designee for any reason at any time without notice, without student consent, and without a search warrant.

Automobile Searches

Each school retains the authority to patrol its student parking lots. In addition, the interiors and trunks of all vehicles parked by students on school or District property may be searched upon reasonable suspicion that they contain items or substances illegal for students to possess or items or substances which District policy or regulations prohibit from being on school property. Failure to allow the search of a vehicle's interior or trunk under these circumstances will be considered grounds for disciplinary action.

Personal Searches

A student's person and/or personal effects in the student's possession (e.g., purse, backpack, etc.) may be searched whenever a school administrator or designee has reasonable suspicion to believe that the student is in possession of illegal or unauthorized materials and/or whenever a school administrator or designee has reasonable suspicion to believe that personal effects not in the student's possession contain illegal or unauthorized materials. A student's failure to permit lawful searches as provided in this section will be considered grounds for disciplinary action.

A safety check and/or personal search may also be conducted on a daily and/or ongoing basis as a component of a student's safety plan. The search requirement will be documented in the safety plan, communicated to the student's parent/caregiver, and reviewed and/or adjusted as a part of the safety plan on a regular basis according to District procedures.

If a safety check and/or search of a student's person or personal belongings is conducted, it will be conducted in private in the presence of an administrator or designee and at least one other District employee. If a safety check is ongoing, the student will be initially asked for their preference on a trusted administrator or designee to be present. Such request will be honored to the extent possible, provided limitations may occur due to day-to-day circumstances.

If the school administrator or designee has reasonable suspicion to believe that a more intrusive search is warranted beyond the removal of outer clothing such as a coat, jacket, shoes or socks, the search must be referred to and conducted by a law

enforcement officer, in accordance with the current standard operating procedures, and the school administrator or designee must not participate in the search. In addition, if a school employee has reasonable suspicion to believe that a student is in possession of a weapon, law enforcement or a school resource officer must be immediately contacted to conduct or be present at the search, if possible, in accordance with the current standard operating procedures.

Use of Metal Detectors

School administrators or designees are authorized to use stationary or handheld metal detectors to search individuals in accordance with state and federal law in the following situations:

1. When a school administrator or designee has a reasonable suspicion that weapons or other illegal or unauthorized materials are in the possession of students or adults at school or in other District facilities;
2. When there has been a pattern of weapons or other illegal or unauthorized materials found at school or in other District facilities; or
3. When violence involving weapons has occurred at school or other District facilities.

Any search of a student's person as a result of the activation of the detector will not be conducted in front of other students, will be conducted as privately as possible, and will be in accordance with applicable laws on personal searches.

Evidence Seized in a Search

Any item found in the course of a search conducted in accordance with this policy and determined to be evidence of a violation of District policy, school rules, or federal, state or local laws must be immediately seized and tagged for identification. Such evidence must be kept in a secure place by a school administrator or designee. If necessary, such evidence may be secured by law enforcement in accordance with the standard operating procedures between the District and law enforcement agencies. Otherwise, the evidence will be maintained by a school administrator or designee until it is no longer needed as evidence in a school disciplinary matter. After that time, the parent/caregiver of the student from whom the item was seized may be informed that they can pick up the seized item. Alternatively, the administrator or designee may choose to dispose of the item at their sole discretion.

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Cross References:

JLIE- Student Vehicle Use and Parking

Legal References:

C.R.S. 22-32-109.1(2)(a)(I)(I) (policy on searches required as part of safe schools plan)