



# Monument Academy

## *Board of Directors Governance and Policy*

<b>Policy Area :</b> Governance	<b>Policy # :</b> 1516
<b>Title :</b> Personal and Property Search Policy	<b>Adopted :</b> August, 15, 2005
	<b>Revised :</b> September 20, 2012
	<b>Revised:</b> April 12, 2018

### **A. Issue Statement**

1. The Board of Directors seek to maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel. To that end, school authorities may search the following but not limited to a student's person, backpack, purse, lunchbox, locker, desks or other storage areas under the circumstances outlined and may seize any illegal, unauthorized, or contraband materials discovered in the search.
2. As used in this policy, the term "unauthorized" means any item dangerous to the health or safety of students or school personnel, or disruptive of any lawful function, mission or process of the school, or any item described as unauthorized in school rules available beforehand to the student.
3. Any search conducted by a school official shall respect the privacy of the student and not be any more intrusive than necessary, considering the age and sex of the student and nature of the suspected infraction.
4. Whenever possible, the student may be informed of the reason(s) for conducting the search.
5. A student's failure to cooperate with school officials conducting searches and seizures as provided in this policy will be considered grounds for disciplinary action.

### **B. Policy Statement**

#### **1. Definitions**

- a. "Reasonable suspicion" is the standard for a search on school property or at school activities carried out by school authorities. Reasonable suspicion is based on facts provided by a reliable informant or personal observation which cause the school official to believe, based on personal experience that search of a particular person; place or thing would lead to the discovery of evidence of a violation of Board policy or state or federal laws. Reasonable suspicion requires more than a mere hunch.

- b. "Contraband" consists of all substances or materials prohibited by Board policy or state law including but not limited to drugs, alcoholic beverages, guns, knives, other weapons and incendiary devices.

## **2. *Personal Searches***

- a. A student's person and/or personal effects (e.g. purse, book bag, backpack, etc.) may be searched whenever a school authority has reasonable suspicion to believe that the student is in possession of illegal or unauthorized materials. If a search of personal belongings is conducted, it will be conducted in private, when feasible, by two school officials.
- b. If the Executive Director, Principal, Dean or designee determines that a more intrusive search requires removal of clothing other than a coat or jacket, said search shall be referred to and conducted by a law enforcement officer. School personnel will not participate in such searches. The parent/guardian of any student searched shall be notified of the impending search as soon as reasonably possible.
- c. If the student is under 18, the student's parent/guardian shall be present when law enforcement officers conduct said search unless the juvenile is emancipated as defined in state law.

## **3. *Property Searches***

- a. Student lockers, desks and other 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 security of their lockers. Periodic general inspections of lockers may be conducted by school authorities for any reason at any time without notice, without student consent, and without a search warrant.
- b. Random and/or routine searches of school property, which do not require reasonable suspicion, may occur at any time.

## **4. *Custody of Evidence***

- a. Anything found in the course of a search conducted in accordance with this section which is evidence of a violation of the student conduct standards may be:
  - seized and admitted as evidence in any suspension or expulsion proceeding if it is tagged for identification at the time it is seized and kept in a secure place by the Executive Director, Principal, Dean or designee until it is presented at the hearing.
  - returned to the parent or guardian of the student from whom it was seized.
  - destroyed if it has no significant value, or turned over to a law enforcement officer.

## **5. *Law Enforcement Officers' Involvement***

## **a. Search and seizure**

- i. The Executive Director, Principal, Dean or designee may request a search on school premises be conducted by a law enforcement officer. When law enforcement authorities are involved in the search, the search will be conducted under criminal law standards rather than under the provisions of this policy.
- ii. When law enforcement officers respond to such a request, no school employee shall assist or otherwise participate in the search unless under the direct order of the law enforcement officer to assist the requesting officer such as but not limited to: gain access to a locked area, operate security technology, secure a private area for a search, etc.
- iii. If law enforcement personnel seek permission from school authorities to search a student, the student's personal property or school property to obtain evidence related to criminal activities, school officials shall require the police to produce a valid search warrant before the search is conducted unless one of the following is true:
  - There is uncoerced consent by the student.
  - There is probable cause and circumstances such that taking the time to obtain a search warrant would frustrate the purpose of the search.
  - The search is incident to an arrest and is limited to the person and immediate surroundings.
  - Exigent circumstances exist.
- iv. The parent/guardian of any student to be searched shall be notified of the impending search as soon as reasonably possible. If the student is under 18, the student's parent/guardian shall be present when the search is conducted unless the juvenile is emancipated as defined in state law.

## **b. Interrogation**

- i. When law enforcement officials request permission to question students when students are in school or participating in school activities, the Executive Director, Principal, Dean or designee shall be present.
- ii. If the student is under 18, the student's parent/guardian also shall be present during questioning unless the juvenile is emancipated as defined in state law.
- iii. Every effort shall be made not to draw any attention to the student being questioned by conducting the interrogation in private and with as little disruption to the schedule as possible.

## **c. Custody and/or Arrest**

- i. When custody and/or arrest by the police are involved, the Executive Director, Principal or Dean shall request that all procedural safeguards as prescribed by law be observed by the law enforcement officers. This includes all due process procedures including but not limited to obtaining proper arrest warrants where required.

### **C. Board of Directors Notification**

1. If a search is conducted by school administration or law enforcement, the Executive Director or his/her designee will contact the President of the Board or the Vice President if the President is unavailable to inform him/her of the action taken under this policy. The contact is not for approval of the search but only to inform the Board leadership of actions taken.

### **D. Roles and Responsibilities**

1. The Board of Directors has sole responsibility for the determination and revision of this Policy. Enforcement of this Policy is hereby delegated to the Executive Director.

### **E. Related Documents**

C.R.S. 19-2-511

C.R.S. 22-32-109.1 (2)(a)(VIII)

### **F. Points of Contact**

1. The following positions shall serve as points of contact for the enforcement of this policy:  
The Executive Director.