

STUDENT SEARCH AND SEIZURE

The Metropolitan School District of Washington Township Board of Education recognizes its obligation to balance the privacy rights of its students with its responsibility to provide students, faculty, staff, and authorized visitors with a safe, hygienic, and alcohol/drug-free, learning environment. *See Policy C450.*

Definitions

As used in this Policy:

"Administrator" means an employee with supervisory authority over teachers and includes Department Chairpersons at the Junior High and High School level;

"Individualized reasonable suspicion" means a belief based upon circumstances which, when taken together in the context of the school building or activity in which they occur, make the student or place searched more likely than a student or place selected at random to contain or possess evidence of a violation of state or federal law, a violation of a school rule, or a condition that endangers the safety or health of the student or others. Information provided by other persons may be considered by an administrator as a part of the administrator's individualized reasonable suspicion where the administrator has reason to believe the person offering the information is credible.

"Superintendent" means the Superintendent, any administrator designated by the Superintendent, and any faculty or staff member assisting an administrator; and

"Law Enforcement Officer" means a person not employed by the District who is: a police officer, sheriff, constable, marshal, or prosecuting attorney; a deputy of any of these persons but not a special deputy who is not an employee of those persons; an investigator for a prosecuting attorney; a conservation officer; an enforcement officer of the Alcoholic Beverage Commission; a Federal Bureau of Investigation special agent; a United States Marshals Service marshal or deputy; a United States Secret Service special agent; a United States Fish and Wildlife Service special agent; a United States Drug Enforcement Agency agent; a Bureau of Alcohol, Tobacco, and Firearms agent; a United States Forest Service law enforcement officer; a United States Department of Defense police officer or criminal investigator; a United States Customs Service agent; a United States Postal Service investigator; or a National Park Service law enforcement commissioned ranger. The term does not include private detectives, investigators employed by attorneys and non-governmental organizations, and the law enforcement officers listed above when not acting within the scope of their governmental job description.

Scope of This Policy

Searches of students pursuant to this Policy shall be permitted in all situations in which the student is subject to school disciplinary rules pursuant to I.C. 20-33-8-14 including:

- 1) on school grounds immediately before or during school hours, or immediately after school hours, or at any other time when the school is being used by a school group;
- 2) off school grounds at a school activity, function, or event; or
- 3) traveling to or from school or a school activity, function, or event.

Standards for Search and Seizure

In balancing a student's privacy interest against the Board's obligation to maintain a safe, alcohol/drug-free working and learning environment, the Board directs the Superintendent and/or designee to utilize the following principles:

1. Searches of Storage Areas Provided for Student Use

Storage areas such as lockers and desks are school property provided for student use, subject to the right of the Superintendent and/or designee to search the storage area and the items in the storage area at any time without individualized reasonable suspicion. Students shall not have an expectation of privacy in any locker or other storage area on school property and shall not be permitted to deny entry to an administrator by the use of a lock or other device.

2. Searches of a Student's Outer Clothing and Items in the Student's Immediate Possession

A search of a student's outer clothing (coats, shirt, blouse, shoes, pants pockets and waistband) and items in the student's immediate possession (back packs, purses, wallets, book bags) shall be based upon individualized reasonable suspicion.

Searches of a Student's Inner Clothing or Person

A search of a student's inner layer of clothing (pants, skirt, shirts/blouse, sweater, sweatshirt) or a search of the student's person involving the removal of the inner layer of clothing (i.e., clothing that would not otherwise be seen in the classroom such as underwear) is not permitted.

3. Use of Breath-Test Instruments

Administrators are authorized to arrange for the use of breath-test instruments for the purpose of determining if a student has consumed an alcoholic beverage. A student shall be offered a breath test when an administrator has individualized reasonable suspicion to believe the student has consumed an alcoholic beverage. It is not necessary for the test to determine a blood-alcohol level since the Board has established a zero tolerance for alcohol use.

4. Searches of Student Vehicles

Permission for a student to bring a vehicle on school property shall be conditional upon consent of the search of the vehicle and all containers inside the vehicle by an administrator without individualized reasonable suspicion. The student and the owner of the vehicle shall have no expectation of privacy in any vehicle or in the contents of any vehicle on school property. The Superintendent and/or designee shall prepare a written agreement consistent with this Policy to be signed each school year by each student driving to school and the owner of each vehicle driven to school. Each vehicle brought on school property by a student shall display a decal showing that the written agreement permitting the search of that vehicle has been signed.

Student vehicles parked off school property but falling within the scope of this Policy shall be subject to search by a school administrator with individualized reasonable suspicion.

5. Law Enforcement Assistance in School Searches

The Superintendent and/or designee may request the assistance of a law enforcement agency in implementing any aspect of this Policy. Where law enforcement officers participate in a search on school property or at a school activity pursuant to a request from the Superintendent and/or designee, the search shall be conducted by the law enforcement officers in accordance with the legal standards applicable to law enforcement officers and Board Policy.

The Board authorizes the use of specially-trained dogs to detect the presence of drugs or devices such as bombs on school property under conditions established in the Superintendent's administrative guidelines. Prior to the use of specially-trained dogs, the Superintendent and/or designee shall make a finding setting forth the circumstances which warrant the use of specially-trained dogs, and the training, reliability, and competence of the dogs and their handlers.

6. Disposition of Seized Items

Anything found in the course of a search pursuant to this Policy which constitutes evidence of a violation of a law or a school rule or which endangers the safety or health of any person shall be seized and utilized as evidence if appropriate. Seized items of value shall be returned to the owner if the items may be lawfully possessed by the owner. Seized items of no value and seized items that may not lawfully be possessed by the owner shall be destroyed or turned over to the County Sheriff.

Record Keeping

An administrator participating in a search shall promptly record in writing the following information for each search pursuant to this Policy:

- 1) the information upon which the search was based, i.e. the individualized reasonable suspicion;
- 2) the time, date, location, students, or places searched, and persons present;
- 3) a description of any item seized and its disposition; and
- 4) the time and date of notice to the parent or guardian in the case of the search of the person of a student.

Administrative Guidelines

The Superintendent and/or designee shall prepare administrative guidelines to implement this Policy.

I.C. 20-33-8-32

U.S. Constitution, 4th Amendment

MSD of Washington Township

Adopted 05/15/24

Revised [date]