

STUDENT SEARCH AND SEIZURE

The MSD of Wayne Township School Board 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, healthy, and alcohol/drug-free, learning environment.

Definitions

As used in this Policy:

"Administrator" means an employee who has an administrative license who has responsibility over teachers and students;

"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

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 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 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. Use of Metal Detectors

All students may be subject to metal detection (walk-through unit or handheld wands). Causing the machine to alarm will result in a progressive search until the reason is discovered.

Metal detector screenings of students and their belongings shall be conducted in an orderly and safe manner, consistent with methods learned during personnel training in the use of the detectors, and consistent with minimizing intrusion into students' privacy rights. Students and their personal belongings shall be screened by school administrators and other staff members. Identical scanning techniques shall be used for each student.

Prior to being scanned, a student will be asked to remove any metal objects (e.g. keys, belt buckles, etc.). If during the screening of a student the detector is activated, the student shall be asked whether he or she has anything made of metal in the area scanned. If the article is removable (e.g. a set of keys), the student shall be asked to remove the

article and the screening repeated. If the detector is again activated and the article cannot be removed (e.g., a belt buckle), the staff member shall visually confirm the student's explanation. If the activation cannot be explained or eliminated, then the student and his or her belongings shall be directed to a private area. An expanded search (i.e. a pat down of the student or inspection of a bookbag or purse) shall be conducted by an employee of the same sex as the student. At least one other school employee shall be present during any search. Searches shall be limited to the detection of weapons.

All staff members are reminded that the purpose of metal detector screenings is to deter the possession of weapons such as guns, knives or other dangerous objects capable of inflicting bodily harm or injury. If, for example, during the metal detector screening of a student's bookbag the detector is activated, the search of the bookbag shall be confined to explaining the reason for activation of the detector and limited to those areas inside the bookbag which could reasonably contain a weapon; envelopes or small containers within the bookbag which could not reasonably contain a weapon shall not be searched.

Screenings are not to be used for the purpose of searching students suspected of violation of other school policies and regulations. If during a screening contraband is discovered, the possession of which is a violation of school policies and regulations, the items shall be confiscated.

Staff is specifically prohibited from conducting a body cavity search of a student manually or with any instrument; and removing or arranging any or all of the clothing of a student to permit a visual inspection of the student's underclothing, breast, buttocks, or genitalia.

When a metal detector is in use at a particular location and a person attempts to avoid that location, it shall be considered sufficient cause to immediately search the person and their belongings. Anyone refusing to submit to the metal detection process will be considered grounds for disciplinary action. Staff will be instructed to ensure that people with disabilities will be thoroughly screened while being sensitive to each person's condition. Service animals will be visually inspected.

5. 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 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 parking permit 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.

6. Law Enforcement Assistance in School Searches

The Superintendent 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, the search shall be conducted by the law enforcement officers in accordance with the legal standards applicable to law enforcement officers and [Board Policy C200 – Habitual Truancy](#).

The Board authorizes the use of specially-trained dogs to detect the presence of drugs or devices such as explosive devices on school property under conditions established in the Superintendent's administrative guidelines. Prior to the use of specially-trained dogs, the Superintendent 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.

7. 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 Marion 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 shall prepare administrative guidelines to implement this Policy.

MSD of Wayne Township, Marion County, Indiana

Adopted: August 18, 1980

Revised: June 2, 1997

Revised: October 14, 2013

Revised: May 13, 2019

Revised: March 9, 2020