

JCAB SEARCHES OF LOCKERS AND STUDENTS

JCAB

Searches of lockers and students shall be conducted in accordance with the rules adopted by the board. No law enforcement officer may search any locker without a search warrant unless he/she has the consent of the building principal and is accompanied by the principal or designated representative.

In order to protect the health, safety or welfare of students under school jurisdiction, building principals or designated representatives are authorized to search students. The building principal or designated representative is prohibited from touching the person of the student for the purpose of conducting a search of the person of the student. All searches shall be carried out in the presence of an adult witness.

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JCAB-R SEARCHES OF LOCKERS AND STUDENTS

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Search of Lockers

The lockers in the schools of the district shall be under supervision of the building principal or designated representative and assigned to the student for the storage of school materials and clothing necessary to school attendance. (Whenever the principal is mentioned in this rule, it shall be construed so as to include “or designated representative.”)

The building principal shall have sole custody of the combination or key to all locker locks in a storage place designated to guard against unauthorized access or use. He/she may search any locker at any time upon reasonable belief that the locker contains firearms, explosives, liquor, flammable material, dangerous weapons, narcotics or other matter prohibited by law or school regulations (cf. JCDA-R) from being on school property. Such search may be

made without notice to the student to whom such locker has been assigned. Students are prohibited from placing locks, other than the regularly issued school lock, on their lockers.

Any person other than the building principal who wishes to search a student's locker shall report to the building principal before proceeding to the locker, and in no event shall such person be permitted to search the student's locker without the principal's consent unless such person has a valid search warrant authorizing him/her to make such search.

If a law enforcement officer desiring to search a student's locker has a warrant for such search, the principal shall immediately take such person to the student's locker and permit him/her to search the locker. Whenever possible, such search shall be made in the presence of the principal.

If a law enforcement officer desires to search the student's locker without a warrant, the building principal shall ask what facts lead the officer to believe that evidence of a crime will be lost, destroyed or moved if the search and seizure did not take place immediately, before a warrant is obtained. If the building principal is not of the same opinion, he/she shall not participate in the search, but he/she shall allow the law enforcement officer to proceed on his/her own responsibility.

Prohibited items recovered from a student's locker shall remain in the custody of the building principal, unless such items are turned over to law enforcement officials; and if this is done, the principal shall receive a receipt for such items so delivered.

Search of the Person

When it has been determined by the building principal that there is a reasonable cause to believe that a student is in possession of an object which can jeopardize the health, welfare or safety of other students, or themselves, that student shall be ordered to report to the building principal's office. This determination may be based on any information received by the building

principal, designated representative or by a member of the faculty or staff. It also may be based on knowledge of the student's disciplinary problems, the student's association with known drug offenders, the student's exhibiting objects associated with drug use or the student's exhibiting such objects as bullets or a knife sheath which could be associated with dangerous weapons.

Once in the principal's office, the student shall be advised of the reason why he/she has been ordered to report to the principal's office. The student shall then be requested to empty items such as, but no limited to, pockets, purses, shoulder bags and briefcases. No strip searches shall be conducted by school authorities. Neither the building principal nor designated representative shall touch the person of the student. Any evidence recovered by the building principal shall be turned over to the appropriate law enforcement authorities.

If the student refuses to comply with this request, the building principal shall notify the student's parents and request that they come to the school at once. The building principal shall advise the parents of the immediate situation. If the parents of the student are unable to persuade the student to comply, the parents and the student shall be advised that law enforcement officials will be notified and the matter turned over to them. If the parents refuse to come to the school or are unable to be notified and the student continues to refuse to cooperate, the building principal shall notify law enforcement officials and inform them of the facts which give him/her reasonable cause to believe that the student has illegal or dangerous objects on his/her person. Any further search of the person shall be at the discretion and under the control of the law enforcement officials with a valid warrant.

Once the building principal has relinquished control of the person of the student to the law enforcement officials, the building principal or representative shall remain with the student and be present during any search of the person of the student made by law enforcement officials

on school property to ensure that the rights of the student are protected. A written report of each search incident shall be made by the building principal and submitted to the superintendent. The written report shall contain the name of the student; the time, date and place of the search; the reason or reasons for the search; the fact of whether law enforcement officials were called; the name of the person who conducted the actual search; the names of the persons present while the student was being searched; and the result of the search. The principal shall file the written report in the student's official school file. The report shall then become a part of the student's official education record.

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