

CHAPTER 5.00 - STUDENTS

5.09 - Student Detention, Search, and Seizure

POLICY:

(1) Search - General

In all cases of search, lockers and personnel, the responsible school official shall maintain an accurate written summary of the events surrounding the search incident.

(2) Lockers

Lockers remain the property of the school and are provided to students without charge. The rights of personal property, however, as well as the rights of the school, must be afforded consideration. The school principal or his/her designee is authorized to open lockers in the presence of another witness and to examine their contents to include personal belongings of students when such person has reasonable suspicion to believe that the contents threaten the safety, health, or welfare of any student or include property stolen from the school, school personnel, or other students. This policy does not preclude administrators from being able to randomly search lockers.

(3) Personal Search

The right of students as citizens to be free from unreasonable search shall be preserved in the schools. As such, school officials shall proceed with extreme caution when engaging in the search of a student's person.

The search of the person of any student shall be reasonable and may involve only a "pat-down" of the person while clothed, but shall not permit the disrobing of the student. Such search shall be made by a member of the administrative or instructional staff in the presence of another adult. The student may be searched only by a staff member of the same sex. If the evidence is so strong that further search is necessary, the student shall be kept isolated and under observation, and legal authorities called.

(a) Secondary Students

1. Personal search may be conducted by school authorities when the health or safety of the student or other students is threatened. Reasonable grounds for this assumption must exist prior to the search.
2. When a search is to be conducted and the student resists the search, he/she shall be immediately removed from the rest of the student body and a request made to law enforcement officials to conduct the search.

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3. In all other circumstances where the search of a student appears necessary (i.e., theft, extortion, burglary, etc.), school officials shall, after informing the student of the action to be taken and the reasons thereto, contact the student's parents and/or law enforcement officials. The age, grade level of the student, and seriousness of the offense should be considered when determining whom to contact.

(b) Elementary Students

1. At the elementary level, personal search may be conducted by school officials when the health or safety of a student(s) is threatened or when there is a question of theft, extortion, or burglary. Whenever possible, the search should be carried out by the principal or his/her designee.
2. If the student refuses to submit to a search, resort should be had to the procedures specified in Subsection (3) (a) 3 above.

(4) Use of Metal Detectors

As part of an overall plan to protect the health, welfare, safety and lives of students, faculty, staff, and visitors to the public schools, and to enforce provisions of the Code of Student Conduct and Student Rights and Responsibilities, metal detectors may be used to scan and screen for firearms and other weapons in order to locate and deter the use of firearms and other weapons which have no place in public schools, due to the fact that they are life threatening, cause bodily harm, and have adverse and disruptive effects on the educational process.

(a) Random Use of Detector

Metal detectors may be used at random without cause at times to be determined by the site administrator or as otherwise prescribed by the district. Random searches shall be conducted with minimal disruption of the educational program. Care shall be exercised to be sure that the selection of students to be subjected to the detection process as part of a random sweep shall be demonstrably according to chance. It shall be the obligation of the person conducting the exercise to be able to explain to the satisfaction of the Superintendent, if called upon to do so, that no bias as to gender, religion, or race entered the selection process. A report shall be submitted from each secondary school to the Superintendent following each semester regarding the frequency and manner of use of metal detectors.

(b) Selective Use of Detector

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Surveillance solely with a metal detector shall not be considered a search governed by other policies of this Board relating to search of students and other persons on campus. The use of a detector is not required when there is reasonable suspicion that a weapon will be found. Nevertheless, no person shall selectively use a metal detector on one student or non-randomly selected group of students except:

1. On reasonable suspicion that a weapon will be found; or
2. Due to reasonable personal fear based on circumstances present or past that a weapon may be present.

In the event of such reasonable selective use of a detector, the employee may request school district law enforcement or local, county or state police to be present during the process and to conduct the detection on behalf of the school district. The employee shall, except when otherwise specifically ordered by an officer of competent jurisdiction, be in charge of the detection process and shall make such decisions and issue such orders to the officer as the employee shall deem appropriate for the circumstances. The employee may consult with the officer in making such decision and issuing such order and may follow, reject, or modify the recommended action.

(c) Individual Scanning of Persons

1. The actual scanning shall not actually touch any part of the body.
2. If the metal detector is not activated during the scanning, the person may be allowed to enter or remain in the school.
3. If the metal detector is activated during the scanning, the person shall be requested to indicate what metal may be causing the alert and, if there is not reason to believe the metal object is dangerous, to remove such object(s) for inspection by placing the object(s) in a container within sight of the person being scanned. A second scanning is then performed as described in Subsection (4) (c) 1.
4. If the second scanning fails to activate the metal detector, the person shall be allowed to enter or remain in the school.
5. If the second scanning again activates the metal detector, a pat-down search may be conducted for the purpose of locating the object which activated the metal detector. The pat-down search shall be limited to the area of the body where the metal detector was activated. Wherever possible,

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and except where school personnel are concerned for their safety or the safety of others, no school personnel may conduct a pat-down search of another person of a different sex, and all such searches shall be conducted only in the presence of another adult who is informed beforehand, and in the presence of the person to be searched, of the reason for such search.

6. If the school personnel detects an object other than a firearm or weapon during the pat-down, the person is asked to remove it. If the person does not remove it, then the school personnel shall remove it. If such object once removed appears to be the object which activated the metal detector, the person is allowed to enter the school. If the object feels like a firearm or weapon, the school personnel shall remove it.

Any of the above may be waived if the waiver is indicated by reason of a) an emergency or b) adverse student behavior.

(d) Scanning of Bags, Parcels, Briefcases, or Other Containers (referred to collectively as "parcels")

1. Parcels may be scanned by the metal detectors.
2. If a parcel does not activate the metal detector, it shall be returned to its owner with no further search unless circumstances require other action.
3. If the parcel activates the metal detector, the person conducting the search shall open the parcel in order to permit a visual search for firearms or weapons. Care should be taken not to physically handle objects within a parcel which cannot be seen. If further inspection is required, the contents shall be emptied into another container. If no firearms or weapons are seen, then the visual search ceases and the parcel is returned to the person.
4. In the event that a visual search of a parcel indicates other containers which could conceal a firearm or weapon, those containers shall be scanned. If the detector is activated, the parcel is subject to further visual search, as described in Subsection (4) (d) 3.
5. If firearms or weapons are found in any stage of the screening, those firearms and weapons and the involved student shall be handled under applicable provisions of the Code of Student Conduct and Student Rights and Responsibilities and applicable state law. Any weapons confiscated shall immediately be given to a law enforcement

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officer. If a law enforcement officer is not available, the weapon shall immediately be given to the principal or his/her designee.

6. Individual scanning and container scanning in all cases shall be minimally intrusive. In no way shall such scanning resort to a strip search of a person or a scavenger hunt of person's property.
7. If a student refuses to cooperate with these procedures, he/she she shall be reported to the principal and shall not be allowed to enter or remain in the school. The principal shall contact the student's parents or guardian and explain why the student will not be permitted to enter or remain in the school.
8. If, as a result of the use of detectors, any controlled substances, tobacco products or other objects prohibited by Rule of the School Board or applicable state law are found, they shall be confiscated and immediately given to the appropriate school employee or a law enforcement officer, whichever the circumstances dictate, and the student's parents or guardian shall be promptly notified.

(e) Calibration of Detectors

Each detector shall be maintained and calibrated in accordance with the manufacturer's directions under the supervision of the principal at the campus to which the detector is assigned.

(5) Search of Motor Vehicles

All parking areas located upon school district property on which students or visitors are permitted to park any motor vehicle, or which are designated as student or visitor=s parking areas shall be posted with a sign not less than 18 inches by 24 inches which shall read as follows:

Search of Vehicles

By entering this area, the person in charge of any vehicle consents to search of the vehicle, with or without cause by school officials or law enforcement officers.

Search may include passenger compartment, engine compartment, trunk and all containers, locked or unlocked, in or on the vehicle.

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It is the policy of the School Board of Levy County that any motor vehicle parked in a parking area on which students or visitors are permitted to park or which is designated as a student or visitor parking area may be searched by the site administrator or designee without a warrant under the following circumstances:

- X Where weapons including but not limited to guns, knives, or clubs, are in plain view within the motor vehicle, or
- X Where the student or other person has orally consented to the search of the motor vehicle, or
- X Where there is reasonable suspicion to believe that the contents of a motor vehicle offend against the law or Rules of the School Board of Levy County, Florida, or where there is reasonable suspicion to believe that the motor vehicle contains articles which school personnel are authorized to seize, or
- X Where there is reasonable suspicion to believe that the motor vehicle was used in the commission of a crime, or
- X Where there is reasonable suspicion to believe that the motor vehicle is carrying a prohibited or stolen or illegally possessed substance or object.

The site administrator or designee may require the student to surrender possession of any key to a motor vehicle parked in a student parking area as described herein for the purpose of opening the motor vehicle. Forced entry into a motor vehicle which is locked shall not be permitted.

The site administrator shall permit the student to be present during the search of the motor vehicle. Any item found in or on the motor vehicle which is prohibited by law or Rules of the School Board may be impounded. The student shall be given a written list of any such items which are impounded. Where appropriate, such items may be released to a law enforcement officer who shall be required to sign a receipt.

In the event that any provision of this policy, if strictly construed, would result in danger to any person by reason of a) apparent emergency or b) by adverse conduct of a student or other person, any person acting under the authority of the School Board of Levy County pursuant to this policy is authorized to take any reasonable action.

- (6) Each principal shall place a sign which is clearly visible to students and in a prominent location(s) within the school. The sign shall contain the following text:

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Notice to Students

School authorities may search student lockers or other areas when reasonable suspicion that a prohibited or illegally possessed substance or object is contained within the area. Pursuant to 1006.09, F.S.

STATUTORY AUTHORITY: 1001.41 (2), 1001.42 (17), F.S.

LAWS IMPLEMENTED: 1006.07 (6) (d), 1006.09 (9), F.S.

HISTORY:
Adopted: 06/17/97
Revision Date(s): 11/17/98, 12/03/02
Formerly: