Policy Code: 446

**Guidelines for STUDENT SEARCHES and Seizures**

Philosophy

The Sharon Jt. 11 School District recognizes its responsibility to provide students and staff with a safe, alcohol and drug-free environment that is conductive to learning. Therefore, school officials have an affirmative duty to investigate any reasonable suspicion regarding conduct or materials dangerous or harmful to the health and welfare of students, school personnel or school property. When practicable, school officials shall cooperate with law enforcement personnel in any such investigation.

1. Cooperation with Law Enforcement Agencies

If law enforcement personnel seek permission from school authorities to search a student or the student’s property, desk, locker, or vehicle parked on school property, in order to obtain evidence related to criminal activities, the school officials should ensure that the police have a valid search warrant unless: (1) there is informed consent by the individual whose interests are involved; (2) there is probable cause and the circumstances are such that taking the time to obtain a warrant would frustrate the purpose of the search; (3) a valid arrest has been made and the search is incident to the arrest; or (4) the search is at the request of school officials and reasonable suspicion for such a search exists. Depending upon the circumstances, school officials may notify the parent(s) or guardian(s) when a request is made to search a vehicle parked on school property. Furthermore, a search on school premises shall have one or more district official(s) present during the search. These provisions shall not be enforced in cases of suspected child abuse pursuant to Wisconsin Statute 48.981. Finally, it is recognized that school officials are required to cooperate with law enforcement officials and under no circumstances should school officials attempt to interfere with law enforcement efforts to conduct a search on school property.

Dogs specially trained to detect the odor of illegal substances, such as narcotics or other look-alike substances, may be utilized by law enforcement officials in conjunctions with school officials. The dogs may be used at any time and on any school property, including desks, lockers, and vehicle parking areas. Individuals will be subject to prosecution as well as disciplinary action, as deemed necessary, as a result of the search.

1. Search by School Authorities

1. Who May Conduct a Search

A school administrator or his/her designee and one additional person may conduct a search. One of these two people must be of the same sex as the student being searched when the search involves the student’s person or personal property. A designee is defined as any school district employee designated by a school official for the purpose of conducting a search.

1. Documentation

For all searches in which the student refuses to cooperate, the individual doing the search shall maintain a written record of all actions leading up to and including the search. In all other searches, records will be maintained at the discretion of the individual doing the search.

1. Search of Students, Student Property, and Student Vehicles on School Property

In the interests of the welfare of the students, the school community, and in situations in violation of local, state, and federal law; it may be necessary to search a student, the student’s property or the student’s vehicle, if the vehicle is on school property. The search may be conducted if the school official or his/her designee has a reasonable suspicion that the student has obtained or has in his/her possession, property or vehicle, items in violation of school regulations, local ordinances, state or federal law.

1. Conducting the Search with the Student’s Consent

The school official or his/her designee who is conducting the search has the right to request a student to empty pockets, purses, backpacks, or other articles used to carry personal effects, to remove hats and shoes and/or to roll socks down. The school official or his/her designee can also request a student to remove outer garments, such as sweatshirts, sweaters, jackets, vests if worn over blouses, shirts, T-shirts, etc. At no time will a strip search be conducted by a school official or his/her designee. School officials searching a student vehicle, which is on school property, have the right to request a student to open the trunk or other storage components which may be opened without damaging the vehicle.

1. Procedure if a Student Refuses to Cooperate

If a student refuses to cooperate, the school official or his/her designee has the authority to proceed, subject to the limitations described below.

* 1. An attempt will be made to contact the student’s parent(s) or guardian(s) in order to request him/her to encourage the student to cooperate. If the parent(s) or guardian(s) cannot be reached or if the student continues to refuse to cooperate, the school official or his/her designee may turn the matter over to law enforcement official arrives.
  2. If a school official or his/her designee has reason to suspect that a student is carrying a dangerous weapon or illegal item or substance and if a school official or his/her designee believes that an immediate search is necessary, he or she may search a student’s pockets or belongings and conduct a pat-down search. The student may be detained until such time as a law enforcement official arrives. At no time will a strip search be conducted by a school official or his/her designee.
  3. If the student vehicle or any storage compartment within the vehicle is locked, the school official may request the assistance of law enforcement officials. The student may be detained until the law enforcement official arrives.

1. Search of Lockers and Desks

The Board of Education has provided school owned and controlled lockers and desks for the purpose of providing students with a convenient receptacle for clothing, books, and other articles necessary or convenient for a student’s use during the school day. Students have no property interest or right to privacy in any locker or desk and the district expressly reserves the right to search lockers and desks. Authorization to search a locker or desk will be given only by a school administrator or his/her designees. The search should be made in the presence of two school employees and, if practicable, a record will be kept by the school or all lockers or desks searched; including the reason for the search and the findings. It is recognized that all lockers or desks are opened and/or inspected for housekeeping and repair purposes periodically. Lockers and desks are subject to search to protect the health and safety of the student body and may be opened and inspected by school authorities at any time. Any item found in the locker or desk that is harmful to the health and welfare of students, school personnel, or school property are subject to seizure and may be removed.

Guidelines

1. Items removed from a locker or desk may be held by the school for return to the parent(s) or guardian(s) of a minor student, without liability of the school for safekeeping. Depending upon the circumstances, a parent(s) may be notified of the items(s) removed from a locker or desk and provided an opportunity to retrieve such item(s) at their convenience. The return of items deemed necessary for use as evidence in a school discipline proceeding, or that have been turned over to law enforcement authorities, may be delayed.
2. If the inspecting authority suspects that possession or storage of any unauthorized item found in the locker or desk involves a violation of the law, the suspect material removed from the locker or desk may be turned over to law enforcement officials. Depending upon the circumstances, the parent(s) or guardian (s) of a minor student may be notified by the inspecting authority of the item(s) removed from the locker or desk and of the delivery thereof to law enforcement officials.

It is the policy of the Big Foot Area Schools, pursuant to s.118.13, Wis. Stats, and PI 9, that no person may be denied admission to school or be denied participation in, be denied the benefits of or be discriminated against in any curricular, extracurricular, pupil services, recreational or other program, on the basis of sex, race, national origin, ancestry, creed, religion, pregnancy, marital or parental status, sexual orientation or physical, mental, emotional, or learning disability.

This policy also prohibits discrimination under related federal statues, included Title VI of the Civil Rights Act of 1964 (race, color and national origin), Title IX of the Educational Amendments of 1972.

LEGAL REFERENCE: Wisconsin Statutes 968.10; 968.25; 948.50

CROSS REFERENCE: Parent/Student Handbook

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