

Policy

BOARD OF EDUCATION
HORTONVILLE AREA SCHOOL DISTRICT

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SEARCH AND SEIZURE

The Board has charged school authorities with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search school property such as lockers used by students or the person or property, including vehicles, of a student, in accordance with the following policy.

School Property

The Board acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Desks and lockers are public property and school authorities may make reasonable regulations regarding their use. The District retains ownership and possessory control of student desks and lockers and the same may be search random by school personnel at any time. A showing of reasonable cause or suspicion is not a necessary precondition to a search under this paragraph. Students shall not have an expectation of privacy in lockers, desks, or other school property as to prevent examination by a school official. The Board directs the Principal to provide students with written notice of this policy at least annually and that routine inspections be done at least annually of all such storage places.

The Board directs that the searches may be conducted by the District Administrator, building principals, associate principals, and Police Liaison Officer.

Student Person and Possessions

The Board recognizes that the privacy of students or their belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion that the search will turn up evidence that the student has violated or is violating either a particular law or a particular rule of the school. Any search under this paragraph must be reasonable in scope and reasonable in manner in which it is conducted. The extent of the search will be governed by the seriousness of the suspected infraction, the student's age and gender, the student's disciplinary history, and any other relevant circumstances or information.

The Principal may arrange for a breath test for blood-alcohol to be conducted on a student whenever they have individualized reasonable suspicion to believe the student has consumed or is under the influence of an alcoholic beverage while on school premises or while participating in a school-sponsored activity. If the result indicates a violation of school rules as described in the student handbook, the disciplinary procedure described in the student handbook will be followed. If the student refuses to take the test, the Principal will inform the student that refusal to participate implies admission of guilt leading to disciplinary action consistent with the student handbook.

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In a situation in which a search of a student's person or possessions is appropriate, school administrators should first attempt to contact the school resource officer to conduct the search under the administrator's direction. If the officer is not available, the administrator may proceed with the search, unless the information justifying the search suggests that the student is in possession of dangerous materials whereby the expertise of the law enforcement is necessary. In such case, the school official shall contact law enforcement and request their assistance.

Under no circumstances shall a school official ever conduct a strip search of a student.

Parking Permit Required

Permission for a student to bring a vehicle on school property shall be conditioned upon written consent of the search of the vehicle and all containers inside the vehicle by a school administrator with reasonable suspicion to believe the search will produce evidence of a violation of a particular law, a school rule, or a condition that endangers the safety or health of the student driver or others. If an administrator determines a search is necessary, he or she should request consent to search the vehicle and all containers inside the vehicle. If consent is not given, a school administrator may proceed with the search. An administrator may contact the police liaison officer or law enforcement agency for assistance in conducting a search.

Except as provided below, a request for the search of a student or student's possessions will be directed to the Principal. The Principal shall attempt to obtain the freely-offered, written consent of the student to the inspection; however, provided there is reasonable suspicion pursuant to the above paragraphs, they may conduct the search without such consent. Whenever possible, a search will be conducted by the principal in the presence of the student and a staff member other than the principal. A search prompted by the reasonable suspicion that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

Search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender, and in a manner that is minimally intrusive to the student based on the reasonable suspicion justifying the search.

Use of Dogs

The Board authorizes the use of specially-trained dogs to detect the presence of drugs and devices such as bombs on school property under the following conditions:

- A. The presence of the dogs on school property is authorized in advance by the District Administrator, except in emergency situations, or is pursuant to a court order or warrant.

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- B. The dog must be handled by a law enforcement officer or certified organizations specially trained to safely and competently work with the dog.
- C. The dog is represented by the Sheriff or Chief of the law enforcement agency providing the service as capable of accurately detecting drugs and/or devices.

The Principal shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found, and the disposition made of them; and any subsequent action taken. The principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

The District Administrator may request the assistance of 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 District Administrator, the search shall be conducted by the law enforcement officers at the direction of a District official. Law enforcement searches conducted independent of any District official request or direction shall be conducted based on standard applicable to law enforcement.

Anything found in the course of a search pursuant to this policy which constitutes evidence of a violation of a particular law or school rule or which endangers the safety or health of any person shall be seized and properly cataloged for use as evidence if appropriate. Seized items shall be returned to the owner if the items may be lawfully possessed by the owner. Seized items that may not lawfully be possessed by the owner shall be turned over to law enforcement.

The District Administrator shall prepare administrative guidelines to implement this policy and shall provide students and staff with written notice of this policy and guidelines at least annually.

Legal References:

118.32, Wis. Stats.

118.325, Wis. Stats.

118.45, Wis. Stats.

948.50, Wis. Stats.

Wisconsin Const. Art. 1 Section 11

U.S. Constitution, 4th Amendment

Student Handbooks

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