

## **INTERROGATION AND SEARCHES (Search and Seizure)**

The proliferation of guns and illegal items in the larger society/community provides greater concern for the safety of all members of the school environment.

The safety of students, faculty, and staff of the school is of utmost importance. A positive school climate conducive to teaching and learning shall be maintained. Weapons, contraband, illegal and/or prohibited items threaten the safety and welfare of students and staff alike.

Therefore, when there is reason to believe that weapons, contraband, illegal, and/or prohibited items are on a student's person, the superintendent, principal, an assistant principal or designee may authorize a search of the student's outer clothing for the purpose of removing such items. Only cold weather outerwear shall be removed.

For any search beyond the outer clothing, the superintendent, principal, an assistant principal or designee must have at least one of the following reasons for probable cause of such search.

1. Will have received reliable information from an individual that he or she had actually seen a weapon, narcotics, contraband, illegal, and/or prohibited items recently in the possession of the student to be searched, or
2. Will have personally observed contraband, illegal, and/or prohibited items in the possession of the student, or
3. Will possess information that the student admitted possession of the contraband, illegal, and/or prohibited items and gave its location.

In any search the removal of a student's underwear is prohibited.

The student may be searched for missing or stolen property if such property is reasonably suspected to have been taken from a student, school employee, or the school during school activities.

During any authorized search the principal and/or an assistant principal or designee will be present along with two other adult employees of the district. The search shall be conducted by a person of the same gender as the student being searched and witnessed by at least one other authorized person, preferably a person of the same gender. Such search will be conducted in an appropriate, private area.

Students shall have no expectation of privacy in lockers, desks, or other school property from school personnel or law enforcement officers. No reasonable suspicion shall be required to conduct a locker, desk, or other school property search. These statements are to be included in the student/parent handbook.

The reasonableness of a search of public school students in terms of the Fourth Amendment requires a balancing of the individual's rights against those of society taking into account all of the circumstances. Factors to consider in making such a determination:

1. The duties and responsibilities of the school officials, with the primary purpose and justification being the protection of the health, safety, and welfare of students, faculty, school property, and the educational process.
2. The student's age and conduct record.
3. The necessity for conducting a warrant less search.

Search and/or seizure by law enforcement officials will occur only when a warrant exists authorizing such search and/or seizure.

The school official shall have authority to detain the student and to preserve any of the items aforementioned and found on the student. The student may be suspended in accordance with school law, and any such suspension may be appealed in accordance with Board Policy J-01, Student Discipline.

When there is reason to believe that weapons, contraband, illegal, and/or prohibited items are located in a student's desk, locker, other assigned property and

there is reason to believe a student is using the desk, locker, or automobile in such a way as to endanger his or her health or safety, or the health, safety, and rights of others; the principal an assistant principal, or designee may authorize a search of such property for the purpose of removing such items.

Emergency situations may necessitate a search with or without the student's knowledge or consent. Whenever possible, the student should be aware of and involved in a search of such property so assigned. In the absence of the student, a second party will witness any search.

References: SB129, Section 53, 1995 Legislative Session  
70 O.S. 24-102  
HB2130, 1997 Legislative Session  
Section 489, School Laws of Oklahoma  
HB1092, 2001 Legislative Session