

DAILEY ELEMENTARY CHARTER SCHOOL

CAMPUS SEARCH & SEIZURE POLICY

STATEMENT OF FINDINGS

Morris E. Dailey Elementary Charter School (“Dailey” or “Charter School”) recognizes and has determined that the occurrence of incidents which may include the possession of firearms, weapons, alcohol, controlled substances, or other items of contraband prohibited by law or Charter School rules and regulations, jeopardizes the health, safety and welfare of students and Charter School employees.

The California Constitution requires that all students and staff of public schools have the inalienable right to attend campuses which are safe, secure, and peaceful. As such, Charter School adopts this policy outlining the search of students and their property, student use areas, and/or student lockers and the seizure of illegal, unauthorized or contraband materials in the search.

DEFINITIONS

- “Reasonable Suspicion” means a sufficient probability that the search will reveal evidence the student has violated or is violating the law. Certainty is not required. Articulate facts must support a school official’s reasonable suspicion that a search is justified. In no case shall a search be conducted if predicated on mere curiosity, rumor or hunch.
- A “violation of either the law or Charter School rules and regulations” includes, but is not limited to, possession of illegal, unauthorized or contraband materials. Illegal, unauthorized or contraband materials include those materials which are dangerous to the health or safety of students or school personnel, are disruptive or potentially disruptive, or which have been cited as unauthorized in Charter School rules or regulations.
- A “extraordinary danger” includes, but is not limited to, the possibility of a firearm or other immediately dangerous weapon on campus,

NOTICE

Written notice of this policy shall be provided to students and their parents and/or guardians at the commencement of each school year and upon enrollment during the school year. A summary of this policy shall also be placed in the Student Handbook and other materials, as appropriate, to be disseminated by Charter School to students, parents and/or guardians and Charter School employees. In addition, Charter School shall place signs and/or other posted notifications on campus regarding this policy, as appropriate.

Board Policy:# 5029

Adopted/Ratified: May 26, 2020

Revision Date:

STUDENT SEARCHES

A student's person and/or personal effects (e.g. backpack, purse, etc.) may be searched if a school official has reasonable suspicion that the student has violated or is violating either the law or Charter School rules and regulations.

In the event of an extraordinary danger, the Charter School may initiate a reasonable search based on a reliable anonymous tip.

Any search of a student and/or their personal effects shall be conducted in the presence of another adult witness whenever possible. The scope of the search shall be reasonably related to the objectives of the search (what warranted the reasonable suspension) and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

In no case shall a strip search be conducted by Charter School officials, including:

1. Asking a student to remove or arrange some or all of their underclothing, and/or
2. Inspecting of parts of the student's underclothing or body.

STUDENT USE AREAS

Student use areas, including, but not limited to, instructional and recreational space, are school property and remain at all times under the control of Charter School. Periodic general inspections of instructional space and other areas of the school may be conducted by Charter School officials for any reason at any time without notice.

SEIZURE OF ILLEGAL, UNAUTHORIZED, OR CONTRABAND MATERIALS

If a lawfully conducted search yields illegal, unauthorized, or contraband materials, such materials shall be turned over to the proper legal authorities for ultimate disposition.

DISCIPLINE

If illegal, unauthorized or contraband materials are discovered during a search, including but not limited to searches conducted by school officials, trained detection dogs or metal detectors, school officials may impose discipline upon the student(s) (including suspension and/or expulsion) in accordance with Charter School's discipline policies and procedures. Charter School shall notify law enforcement authorities if any search and/or seizure results in the discovery of illegal contraband.