

Policies

Newport Public Schools

No. 2450

Administration - Risk Management –

Search for Contraband

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The Superintendent is authorized to establish procedures for searches, including but not limited to, the use of canines in public school buildings and on campuses. The purpose of such use shall be to discourage the possession of contraband on school property and to serve as a deterrent to general drug abuse. Contraband detection canines shall not be used to search individual in any manner.

NOTICE: Students will be provided notice of the Policy and Administrative Procedures concerning “Search and Seizure” by having information in the student handbook or distributed by supplemental publication. Students shall be specifically notified that:

1. Lockers may be searched at any time;
2. Vehicles parked on school property may be searched at any time;
3. Classrooms and other common areas may be searched at any time;
4. If contraband of any kind is found, the possessing student shall be subject to appropriate disciplinary action in accordance with the Student Code of Conduct.

A copy of the Policy and Administrative Procedures will be posted in the principal’s office or other prominent place in each school. If a metal detector is to be used, the additional notices required for its use will be given.

APPLICATION OF POLICY

Students are subject to reasonable searches and seizures. School officials may conduct reasonable searches of students and school property when there is reasonable cause to believe that students may be in possession of drugs, weapons, alcohol and other materials (“contraband”) in violation of school policy or state laws. Students who bring contraband on to school grounds may be searched in order to secure the school environment so learning can take place and to protect other students from any potentially harmful effects stemming from the contraband. The

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Administration may utilize canines and metal detectors (magnetometers) as provided in the Administrative Procedures.

DEFINITIONS

For purposes of this policy and these administrative procedures, the following definitions are applicable:

“Contraband” is all substances or materials, the presence of which is prohibited by school policy or state law, including but not limited to, controlled substances, drugs, alcohol or alcoholic beverages, abusable glue or aerosol paint, guns, knives, weapons, explosives and incendiary devices.

“Reasonable cause” is the standard for a search on school property or at school related events which is based on the school officials specific reasonable inferences which he or she is entitled to draw from the facts in light of the school officials experience. Specific reasonable inferences may be drawn from instances including but not limited to, a tip from a reliable person, suspicious behavior that suggests that contraband is present, a smell indicating the presence of the contraband or other such instances.

“School Property” refers to school buildings, student lockers, desks, parking lots and other such property. These are owned or leased by the school and the school exercises control over school property. Students should not expect privacy regarding items placed in school property because school property is subject to search at any time by school officials. Students are responsible for whatever is contained in desks and lockers assigned to them by the school.

ADMINISTRATIVE PROCEDURES

The Person

Students and their effects are subject to being searched by school officials if a school official has reasonable cause to believe that the student is in possession of contraband.

School officials who conduct searches of students and their effects must have been informed and understand the “reasonable cause” standard. Approved Administrative Procedures shall be followed.

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If a school official has reasonable cause to believe that contraband is present, he or she may institute a search. Because the circumstance attendant to the need for each search may vary, the following procedures should be followed, although they are not mandatory.

1. The principal or other designee shall be responsible for determining whether or not a search shall be conducted of a student's person or personal property.
2. If possible, the student should be present and asked to consent to the search.
3. If circumstances permit, the student's parent or guardian shall be called and informed of the circumstances. If circumstances do not permit such, the parent or guardian shall be called and informed of the circumstances as soon as practicable thereafter.
4. The search of a person or his or her effects should be conducted out of the presence of other students.
5. The search should not be excessively intrusive in light of the age and gender of the particular student.
6. Except in cases of immediate danger, a second person shall be present during a search of either a student or a student's personal property.
7. The principal will report on a regular basis, the incidences of searches of a student or a student's personal property.
8. Each item seized should be identified and not commingled with other items previously or subsequently seized.
9. A receipt shall be issued to the student or parent/guardian of the student from whom the item(s) was (were) seized.
10. The principal shall prepare a summary report identifying the item(s) confiscated and a copy of the report sent to the Superintendent.
11. Storage, return, or destruction of such items shall be at the discretion of the principal, subject to legal impoundment.

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12. Law enforcement authorities should be contacted if the search reveals the presence of contraband.

Motor Vehicles

Automobiles on school property are subject to search by a school official at any time a school official has reasonable cause to believe that contraband is in or on the vehicle. The above procedures used for the Person shall be followed to the extent possible.

Use of Canines

The Administration is authorized to utilize canines whose reliability and accuracy for detecting contraband has been established to aid in the search for contraband in school owned property and vehicles parked on school property. Such visits may be unannounced. Canines shall not be used to search students.

A qualified and authorized trainer who will be responsible for the canine's actions must accompany the canines. An indication by the canine that contraband is present on school property or an automobile parked on school property, shall be reasonable cause for further search by school officials or law enforcement authorities.

Use of Metal Detectors (Magnetometers)

School policy and state and federal law prohibit weapons of any nature on school property or at school functions. The presence of weapons is inherently dangerous to all persons in the school setting. When the Administration has reasonable cause to believe that weapons are in the possession of unidentified students, when there has been a pattern of weapons found at school or when violence involving weapons has occurred at a school, the Administration is authorized to use stationary or mobile metal detectors.

When a metal detector is being used students will be allowed to use only the entrances designated. If a metal detector activates on a student, the student shall be asked to remove metal objects from his or her person and walk through or be scanned again. If the metal detector activates again, the student may be subject to being searched as set forth above.

History: Adopted: October 2003