

# Campus Search & Seizure Policy

The School of Art & Enterprises ("SAE") recognizes and has determined that the occurrence of incidents which may include the possession of firearms, weapons, alcohol, controlled substances, or other item of contraband prohibited by law, or SAE rules and regulations, jeopardizes the health, safety and welfare of students and SAE employees. The California Constitution requires that all students and staff of public schools have the inalienable right to attend campuses that are safe, secure, and peaceful. As such, The SAE adopts this Policy outlining the reasonable search of students and their property, student use areas and/or student lockers and the seizure of illegal, unsafe, unauthorized or contraband items and materials through a search based upon reasonable suspicion.

## 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. Articulable 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.

*"Personal electronic device"* means a device that stores, generates, or transmits information in electronic form, and is not owned or otherwise loaned to the student by Charter School.

*"Electronic communication"* means the transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system.

*"Electronic communication information"* means any information about an electronic communication or the use of an electronic communication service, including, but not limited to, the contents, sender, recipients, format, or location of the sender or recipients at any point during the communication, the time or date the communication was created, sent, or received, or any information pertaining to any individual or personal device participating in the communication, including, but not limited to, an IP address .

## 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/or 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 The SAE to students, parents and/or guardians and The SAE employees.. In addition, The SAE shall place signs and/or other posted notifications on campus regarding this policy, as appropriate.

### **Student Searches**

A Charter School official (e.g. administrator, employee, teacher, school police officer, and/or employee), may conduct a reasonable search of a student's person and/or personal effects (e.g. backpack, purse, etc.) if the school official has reasonable suspicion that the student is engaged in or has engaged in illegal activity or a violation of SAE rules and regulations. Whether a search is reasonable depends on the context within which a search takes place. The SAE official must assess the reliability of the student or person providing the information, the degree of danger to others, and the immediacy of the need for a search.

The search of a student and/or of their personal effects must be:

1. **Justified at its Inception:** There are reasonable grounds for suspecting the search will turn up evidence that the student is violating or has violated the law or Charter School rules. Articulable facts must support a Charter 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; and
2. **Reasonable in Scope:** The measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the pupil and the nature of the infraction. For example, if a school official has reasonable suspicion to believe that a student has on his or her person an item imminently dangerous to the student or others, a more intrusive search of the student's person may be conducted.

Additionally, any search of a student and/or their personal effects shall be:

1. Conducted by a school official of the same gender as the student, and in the presence of another adult witness, whenever possible.
2. Conducted out of the presence of other students to maintain student confidentiality;
3. Documented by keeping a log of the search methods as well as a written description and/or pictures of any prohibited or illegal items ultimately seized as a result of the search.

In no case shall school officials conduct a strip search or body cavity search of a student manually or with an instrument. Impermissible searches include asking a student to remove or arrange some or all of their clothing to permit visual inspection of the

underclothing, breast, buttocks, or genitalia of the student, and/or undergo the inspection of parts of the student's underclothing or body.

A search of a group of students where no particular student within the group is suspected may be conducted only if there is reasonable suspicion of conduct imminently dangerous to students, others or school property.

### **Student Use Areas**

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

### **Searches of Private Electronic Devices**

A student's personal cell phone, smartphone, or other personal electronic device shall not be searched by Charter School officials without a warrant, the student's consent, or a legitimate emergency, unless the device is lost or abandoned. An emergency is any situation involving danger of death or serious physical injury to any person, that requires access to the information located or reasonably believed to be located on the electronic device. If the Charter School has a good faith belief that the device is lost, stolen, or abandoned, the Charter School may only access electronic device information in order to attempt to identify, verify, or contact the owner of the device.

Nothing in this Policy prohibits the Charter School from seizing/confiscating a student's personal electronic device, without searching its contents, if the student's use or possession of the private electronic device is in violation of Charter School rules or regulations.

### **Metal Detectors**

Metal detectors may be used to search a student's person and/or personal effects whenever a school official has reasonable suspicion to believe that the student is in possession of a weapon. The search must be conducted by a school official.

Searches involving metal detectors shall be minimally intrusive and involve the use of neutral criteria for selection. Metal detectors shall not touch students during the search and students will only be required to open pockets or jackets if the wand is triggered. For example, if the metal detector goes off during the search, a school official shall have reasonable suspicion justifying a separate search of a jacket, backpack, etc.

### **Canine Searches**

School officials, including campus security or school police/resource officers, may use trained detection dogs in inspections of unaccompanied belongings for illegal,

unauthorized or contraband materials in school facilities, grounds, and school parking lots. All dogs must be accompanied by a qualified and authorized trainer who will be responsible for the dog's actions and who can verify the reliability and accuracy in sniffing out contraband. Trained detection dogs may sniff all unaccompanied locations, including, but not limited to: lockers, student use areas, motor vehicles located on school property, unattended backpacks and other student belongings and other inanimate objects throughout school property. Prior to initiating a search, Charter School officials must have reasonable suspicion of a schoolwide concern.

An indication by the dog that illegal, unauthorized or contraband materials are present on school property shall constitute reasonable suspicion, authorizing school officials to search the locker, area, vehicle, or other inanimate object and closed containers and objects within, without securing the consent of the student.

The SAE shall not use dogs to search a student's person without individualized reasonable suspicion of illegal, unauthorized, or contraband material. If a dog alerts on a student's person, the alert shall constitute reasonable suspicion for a lawful search and all applicable law and policy discussed herein shall be followed in the subsequent search.

### **Vehicle Inspections**

Students are permitted to park on school premises. However, any public school ground utilized by any student or any other area that may be set aside for the personal use of the students remains under the exclusive control of The SAE. As such, student vehicles may not be used to store illegal, unauthorized, or contraband materials.

The acceptance and use of the parking facilities for privately owned vehicles on school campus by any student shall constitute consent by the student to the search of such vehicles by authorized school personnel and/or law enforcement if a school official has reasonable suspicion based on articulable facts for suspecting that the student has violated or is violating either the law or The SAE rules and regulations, including, but not limited to, possession of illegal, unauthorized or contraband materials.

### **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 through a lawfully conducted search, including but not limited to searches conducted by Charter School officials, trained detection dogs or metal detectors, The SAE may impose discipline upon the student(s) (including suspension and/or expulsion) in accordance with The SAE's discipline policies and procedures.

The SAE shall notify law enforcement authorities if any search and/or seizure results in the discovery of illegal contraband.

### **Video Surveillance and Other Recording Devices**

The SAE may utilize video surveillance devices in all common areas of the school campus including, but not limited to, outdoor spaces, entrances and exits, parking lots, stairwells, hallways, classrooms, the main office, school buses, and any other commonly used spaces. Charter School shall not utilize video surveillance devices in private spaces such as restrooms and locker rooms. Charter School's intent and purpose in utilizing video surveillance devices is to ensure student and staff health, welfare, and safety in order to maintain safe and orderly conduct throughout the school day.

The SAE shall not use audio recording where there is an expectation of privacy without prior consent of all parties subject to recording. Students, staff, parents, and other members of the public are similarly prohibited from audio recording on Charter School campus without prior consent. This policy does not prohibit the Charter School from recording classes as needed for student achievement nor any other permissible audio recording by the Charter School otherwise provided under the law.

Video surveillance recordings are not considered student education records unless the recording is maintained and (1) intended for use in a disciplinary action or proceeding, (2) depicts an activity that shows a student violating the law, (3) shows a student getting injured, attacked, victimized, ill, or having a health emergency, (4) contains personally identifiable information from a student's educational record. A video surveillance recording is not considered a student's education record when the student's image is incidental to the activity shown in the recording or when the student is participating in a public activity.

The SAE shall comply with all state and federal law regarding access to, review, and disclosure of student records, including Family Educational Rights and Privacy Act ("FERPA"). This includes compliance with lawful requests under the California Public Records Act, from law enforcement, and other appropriate agencies. Charter School will evaluate the legality of any requests in advance of disclosure and will comply with all notice requirements under FERPA.

### **Temperature Screening**

In light of the novel coronavirus ("COVID-19") health emergency, The SAE shall follow the below procedures for temperature screening, as necessary, in accordance with all applicable law and state and local health orders to prevent the spread of COVID-19. The Charter School will follow its COVID-19 Prevention Policy and/or Comprehensive School Safety Plan which outlines the temperature screening requirements.

### **Lockers**

Student lockers are school property and remain at all times under the control of SAE. However, students shall assume full responsibility for the security of their lockers. Student lockers may not be used to store illegal, unauthorized, or contraband materials.

The acceptance and use of locker facilities on school campus by any student shall constitute consent by the student to the search of such locker facilities by authorized school personnel and/or law enforcement.

Inspections of lockers may be conducted by school personnel and/or law enforcement through the use of trained dogs. These inspections shall not be arbitrary, capricious, or discriminatory. Either all lockers must be inspected or the lockers to be inspected must be randomly selected.