

# POLICY: STUDENT SEARCHES AND SEIZURES

J PAUL TAYLOR ACADEMY

www.jpaultayloracademy.org

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JPTA POLICY: School authorities are charged 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 the person or property of a student, with or without the student's consent, whenever they reasonably suspect that the search is required to discover evidence of a violation of law or of school rules. The extent of the search will be governed by the seriousness of the alleged infraction and the student's age. This authorization to search shall also apply at the School's facility, during any school-sponsored activity whether on or off campus.

1. *Search of Property* – J Paul Taylor Academy 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 a crime or other breach of disciplinary rules is occurring or has occurred. These searches are intended to be minimally intrusive such as emptying pockets, cubby holes, lockers (if applicable), backpacks, purses, removal of hats, jackets, sweaters, socks, and shoes may be conducted by the head administrator or other authorized person. In the case of storage spaces provided to students by the School, these spaces shall remain property of the School and, in accordance with law, may be the subject of random searches. If students are provided places that can be secured by locks, students may lock them against incursion by other students, but in no such places shall students have such an expectation of privacy as to prevent examination by a school official. The head administrator or other authorized person may conduct a search with or without the student's presence or consent.

2. *Search of Person* - Unless there is an immediate threat of health or safety of the student or others, the head administrator or other authorized person will make reasonable efforts to contact parents/guardians of the student prior to any search of a student's person. Search of a student's person shall be conducted by a person of the student's gender and in the presence of another staff member of the same gender where possible under the circumstances. Except as provided below, a request for the search of a student or a student's possessions will be directed to the head administrator or other authorized person, who shall seek the freely offered consent of the student to the inspection. Search of a student's person, will involve, at most, a "pat down" of the student's outer clothing. Whenever possible, search of a student's person will be conducted by the head administrator or other authorized person in the presence of the student's parent and a staff member. 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. In no event shall a student be subjected to a "strip search."

3. *Seizure of Items* - Illegal items, legal items which threaten the safety or security of others, and items which are used to disrupt or interfere with the educational process may be seized by authorized persons. Seized items shall be released to appropriate authorities or a student's parent, or returned to the student when, and if, the administrative authority deems appropriate.

4. *Notification of law enforcement authorities* - The head administrator shall have discretion to notify the district attorney or other law enforcement officers to conduct the search when search for possession of an illegal substance or item is suspected. If the School conducts the search and it discloses illegally possessed contraband material or evidence of some other crime or delinquent act, local law enforcement will be called.

5. *Record Keeping* - The head administrator shall promptly make a record of each search of a student's property or person and include the reasons 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. The head administrator shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

Legal Ref: 32A-2-3 NMSA (1978) 6.11.2.10 NMAC