



MAGNOLIA PUBLIC SCHOOLS

Board Of Directors

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| Board Agenda Item # | II B |
| Date: | February 11, 2016 |
| To: | Magnolia Board of Directors |
| From: | Caprice Young, Ed.D., CEO & Superintendent |
| Staff Lead: | Kelly Hourigan, Director of Student Services |
| RE: | Search and Seizure Policy for MSA 1-8, SA, SD and SC |

Proposed Board Recommendation

I move that the board approve the Magnolia Search and Seizure Policy for Magnolia Science Academy 1-8, Santa Ana, San Diego and Santa Clara.

Background

School safety is always a priority for our schools. This policy will allow us to invite police dogs onto our campuses to search areas, not students for paraphernalia that is not aligned with our parent /student handbook. Students and parents will be informed of the policy so they are aware that this may occur at their child’s school. Parents at some of our campuses have been requesting canine searches so they will be pleased with the policy.

Budget Implications

There are no budget implications.

Attachments

Search and Seizure Policy for Magnolia Science Academy 1-8, Santa Ana, San Diego and Santa Clara

Name of Staff Originator

Kelly Hourigan, Director of Student Services



SEARCH & SEIZURE BOARD POLICY

STATEMENT OF FINDINGS

Magnolia Public Schools (“Magnolia”) recognize and have 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 Magnolia rules and regulations, jeopardizes the health, safety and welfare of students and Magnolia 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, Magnolia 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.

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 Magnolia to students, parents and/or guardians and Magnolia employees. Including a summary in a handbook or other materials shall satisfy the annual notice requirement set forth in this paragraph. In addition, Magnolia shall place signs and/or other posted notifications on campus regarding this policy, as appropriate.

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 Magnolia rules and regulations, including, but 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 school rules or regulations.

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.



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 and not excessively intrusive in light of the age and sex of the pupil and the nature of the infraction.

In no case shall a strip search be conducted by school officials, including asking a student to remove or arrange some or all of their underclothing, and/or 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 Magnolia. However, students shall assume full responsibility for the security and condition of these areas. Periodic general inspections of instructional space and other areas of the school may be conducted by school officials for any reason at any time without notice.

METAL DETECTION DEVICES

The Board believes that the presence of weapons in the schools threatens the district's ability to provide the safe and orderly learning environment to which students and staff are entitled. The Board also believes that metal detector searches offer a reasonable means to keep weapons out of the schools and mitigate the fears of students and staff.

Metal detectors, such as metal detection wands or other metal detection devices, 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 or in the context of a random search to maintain and protect the safety, security, and peace of students, Magnolia employees, and the Magnolia.

The following procedures shall be followed when using metal detectors to conduct random searches of students:

1. Searches involving metal detectors shall be minimally intrusive and involve the use of neutral criteria for selection.
2. Before walk-through, students shall be asked to empty their pockets of metallic objects.
3. If an initial activation occurs, students shall be asked to remove other



metallic objects they may be wearing (e.g., belt and jewelry) and to walk through a second time.

4. If a second activation occurs, a hand-held metal detector shall be used.
5. If the activation is not eliminated or explained, staff shall escort the student to a private area.
6. In the private area, an expanded search shall be conducted by a staff member of the same gender as the student, in the presence of another district employee.
7. The search shall be limited to the detection of weapons.

CANINE SEARCHES

School officials, including campus security or school police/resource officers, may use trained detection dogs in inspections for illegal, unauthorized or contraband materials in school facilities and around school grounds. 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 lockers, student use areas, and other inanimate objects throughout school property. Such inspections are not considered searches and do not require reasonable suspicion.

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 area or other inanimate object and closed containers and objects within, without securing the consent of the student.

LOCKERS

Student lockers, including P.E. lockers, are school property and remain at all times under the control of Magnolia. 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 though the use of trained dogs.



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 Magnolia's discipline policies and procedures. Magnolia shall notify law enforcement authorities if any search and/or seizure results in the discovery of illegal contraband.

