

The Academy of Alameda

A K-8 Public Charter School Organization

Student and Campus Safety Search Policy

Statement of Findings

The Academy of Alameda (“AoA”) 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 AoA’s rules and regulations, jeopardizes the health, safety and welfare of students and AoA 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, The academy of Alameda 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 or AoA’s rules and regulations. 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 AoA’s 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 AoA’s 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.

Notice

Written notice of this Policy shall be provided to students and their parents and/or guardians at the start 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 Academy of Alameda to students, parents and/or guardians and AoA’s School employees. The Executive Director or designee shall ensure that AoA staff who conduct student searches receive training regarding the requirements of this policy and other applicable law as appropriate.

Student Searches

An AoA administrator (or designated employee), along with a member of the Restorative Justice Team, may conduct a reasonable search of a student’s person and/or personal effects (e.g., desks, purses, backpacks, school-owned computers) if a school administrator has reasonable suspicion that the student is engaged in or has engaged in illegal activity or a violation of AoA’s rules and regulations. Whether a search is reasonable depends on the context within which a search takes place

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

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 The Academy of Alameda’s rules. Articulable facts must support an administrator’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

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 student and the nature of the infraction.

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 a staff member has a good faith belief that the device is lost, stolen, or abandoned, the staff member 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 AoA 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 AoA's rules or regulations.

Required Conduct of Searches

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

1. Conducted in the presence of at least two (2) administrators or designated personnel including a trusted adult whenever possible
2. Conducted out of the presence of other students to maintain student confidentiality
3. Conducted in a manner that does not involve:
 - a) Conducting a body cavity search of a student manually or with an instrument; or
 - b) Removing or arranging any or all of the clothing of a student to permit visual inspection of the underclothing, breast, buttocks, or genitalia of the student.

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.

Student Use Areas

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

Lockers

Student lockers are school property and remain at all times under the control of AoA. 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 AoA's campus by any student shall constitute consent by the student to the search of such locker facilities by authorized AoA personnel and/or law enforcement. Inspections of lockers may be conducted by AoA personnel and/or law enforcement.

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.

Consequences

If illegal, unauthorized or contraband materials are discovered during a search, including but not limited to searches conducted by AoA administrators, AoA will impose consequences in accordance with its restorative policies and procedures. AoA will use restorative justice principles and practices to address violations whenever possible and appropriate before imposing more punitive consequences. AoA administrators shall notify law enforcement authorities if any search and/or seizure results in the discovery of illegal contraband.

Video Surveillance and Other Recording Devices

AoA 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. AoA shall not utilize video surveillance devices in private spaces such as restrooms and locker rooms. AoA 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.

AoA 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 AoA's campus without prior consent. This policy does not prohibit AoA from recording classes as needed for student achievement nor any other permissible audio recording by AoA 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.

AoA 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. The Academy of Alameda will evaluate the legality of any requests in advance of disclosure and will comply with all notice requirements under FERPA.

Adopted: [INSERT DATE], 2021

Updated: [INSERT DATE]