***5.10.13 SEARCH AND SEIZURE POLICY.***

The right to inspect student school lockers, book bags, purses, vehicles or articles carried upon their person, is inherent in the authority granted school boards and administrators and must be exercised so as to assure parents that the school, in exercising *In loco parentis* relationship with their children will employ every safeguard to protect the well-being of those children. The exercise of that authority places unusual demands upon the judgment of school officials whose primary purpose is to provide the best teaching and learning environment for children. The search of school lockers, and in some instances students, is necessary to assist in preserving discipline and good order and to promote safety and security of persons and their property within the area or educational responsibility.

The School Board has determined that the presence of controlled substances on school grounds in the past year and threats from weapons has resulted in a real and serious threat to the health and safety of students and personnel that warrants additional student screening procedures upon entry to the School. To address this threat, the School may conduct searches of student backpacks and bags upon entry to the School grounds and after exiting and re-entering the School building. The School may also install a metal detector at the entry doors to the School for the purpose of preventing the presence of weapons in the School and require all students to clear the metal detector. Any student who does not clear the metal detector will be subject to search of their personal property and person prior to entry. Students and parents are notified with the adoption of this Policy that the School may conduct random search upon entry to the building to mitigate the serious and real risk posed by the presence of weapons and/or controlled substances in the school.

 The school reserves the right to search students and/or their personal property when a school official, a teacher, or staff member has reasonable suspicion that the student has violated the law or school policy, or poses a threat to the health and safety of students, based upon a reasonable suspicion that drugs, alcohol, or weapons are present in a student’s personal property, or there is reasonable suspicion and an immediate need to secure evidence relating to a criminal offense (assault, drug offenses, etc.). If a student is suspected of using their cell phone or electronic device in violation of CCTS policy, staff or administrators may reasonably search the contents of the student’s phone for evidence of the specific violation. School Officials or Dormitory personnel have the authority to conduct searches of individual student(s) and the student’s property. Authority for these searches may be exercised as needed in the interest of safeguarding students, staff, student’s property and school property. After a student has entered the School, the student’s personal effects including suitcases, bags, storage containers, backpacks, purse, or wallet will not be searched without the student’s presence and permission unless there is a clear indication with reasonable suspicion that a law or school regulation have been broken. Reasonable suspicion proves that school/dormitory or officials are not under the more stringent conditions of probable cause as are law enforcement officials. The School Resource Officer is also covered under the conditions of reasonable suspicion when directed by the School Administrator.

 In order to maintain a safe and positive learning environment in the school, any student suspected of being intoxicated, under the influence of controlled substances or alcohol, and/or in possession of controlled substances, or contraband may be searched by school officials, including personal items such as bags, purses, etc.. Students who refuse to submit to a search may be referred to appropriate law enforcement authorities if such action is deemed necessary by the administration.

 If an actual student search is deemed necessary, as staff members of the same sex as the student and with the same sex witness must do the search. If probable cause exists, “law enforcement will decide is a strip search is required based on law enforcement procedures. Under no circumstances will the school/dormitory officials conduct a strip search on any student”.

Staff have the right to examine any personal property left unattended on school grounds and such activity does not constitute a search. This includes search of cell phones and other items including backpacks and purses.

 All students have the right to a reasonable degree of privacy, but that privacy does not extend to the endangerment of the health and safety of other students or staff. The School recognizes and will preserve that student’s right to privacy and security of personal effects. However, it is the inherent right of the Crow Creek Tribal School Officials or dormitory personnel to inspect each room, student locker, and other storage space for safety and health hazards and/or a violation of the school/dormitory regulations.

School administrators and teachers have the right to question students regarding their conduct and/or the conduct of others.

 School officials may grant law enforcement or school resource official’s permission to use drug dogs property owned/or controlled by the Crow Creek Tribal Schools.

**Backpacks and Handbags:** Backpacks are not allowed in classrooms and are subject to search and seizure upon entry to the buildings, when left unattended, or when there is reasonable suspicion that a law or school regulation has been broken. Students are required to keep bags of any sort in assigned lockers unless they are participating in field trips or sports related travel.