

Gang Prevention and Intervention and Student Search Policy

1. Purpose:

To promote a safe and orderly school environment for all students and employees. Criminal acts or disruptive behavior of any kind will not be tolerated and any individual who engages in such activity will be subject to school disciplinary action, prosecution, or both.

2. Policy:

2.1. Gang Activity: students who engage in any form of gang activity on or about school property, or at any school activity may be suspended or expelled. Students may also be excluded from participation in extra curricular activities, including interscholastic events as determined by the school administration after consultation with law enforcement.

2.1.1. Gang activity prohibited:

For the purposes of this policy, prohibited “gang activities” include, but are not limited to any of the following:

- (a) committing any act or omission or using any speech, communication in any method, either verbal or non-verbal, electronic means (flashing signs, gestures, hand-shakes, texting, etc.) that demonstrates membership in or affiliation with a gang.
- (b) soliciting others for membership in a gang.
- (c) requesting any person to pay for “protection”, claiming “turf”, or otherwise intimidating, bullying, retaliating against, threatening, or harassing any person.
- (d) possessing a weapon, controlled substances, drug paraphernalia, or other contraband.
- (e) committing any illegal act.
- (f) encouraging or inciting another person to act with physical violence upon any other person or cause damage to property.
- (g) marking school property, books, or school work with gang names, slogans, or signs.
- (h) gang related graffiti or damage to school property shall result in parent or guardian notification and appropriate administrative and law enforcement actions, which may include obtaining restitution from those responsible for damage.

3. Searches of person or property

Given the school’s custodial and tutelary responsibility for children, school officials have the authority to conduct reasonable searches of students and student property. To protect individual rights and guard against excessive intrusion, school officials engaging in searches of students and property shall abide by the following guidelines:

3.1. General guidelines for searches of person or property

3.1.1. A school official shall attempt to obtain the freely-offered consent of the student to the inspection; however, provided there is reasonable suspicion, the school official shall conduct the search without such consent.

3.1.2. Searches of a student’s person or personal property may be conducted whenever school officials have reasonable suspicion to believe a student is concealing evidence of a

policy violation or criminal activity and the items being searched are capable of concealing such evidence.

3.1.3. The search must be reasonably related to the suspicion and not excessively intrusive in light of the student's age, history and school record and the nature of the infraction. Circumstances warranting a search include those in which school officials has reasonable suspicion that the student or student property is concealing weapons, drugs, alcohol, tobacco, unsafe contraband or lost/stolen or misplaced items.

3.1.4. The scope of any search should be limited by the reasonable suspicion that motivated the search. If an item is found that leads to reasonable suspicion that additional, related items may also exist, the search may be extended. If the initial search produces no evidence of contraband, there should be no extension of the search.

3.1.5. A school official may at any time, request assistance of the appropriate law enforcement agency having jurisdiction over the facilities of the school.

3.1.6. A school official shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or objects taken from a student. Anything found in the course of a search which is evidence of a student violation of school rules shall be tagged for identification at the time it is seized and kept in a secure place by the school official.

3.1.7. All contraband discovered in a search by school officials shall be immediately confiscated and turned over to law enforcement authorities if school officials have reason to believe the contraband is related to the commission of a criminal act.

3.2. School Property – Lockers, Desks, Other Storage Areas Provided for Student Use

Students have no right or expectation of privacy in school lockers, desks, or other storage areas. While lockers, desks, and other storage areas are under the joint control of students and the school they are solely school property and may be searched at any time by school officials with or without cause. Once a locker, desk or other storage area is opened for search, any search of student belongings contained within the locker must comply with the guidelines for searches of personal belongings in Section 3.1 of this policy.

3.3. Searches of Student Property

The student may be asked to open personal belongings and to turn over personal property for search by a school official. Whenever possible, searches of student property by school officials shall be witnessed by another staff member to observe that the search is not excessively intrusive.

3.4. Searches of Person

School officials shall make sure the search meets the following guidelines:

3.4.1. The search shall be conducted in a private area of the school by a school official of the same gender as the student being searched.

3.4.2. Whenever possible the search shall be observed by another staff member of the same gender as the student being searched.

3.4.3. School officials may ask the student to remove his/her hat, coat, shoes and socks, turn pockets inside out, and roll up sleeves to see if the student is hiding contraband.

3.4.4. Under no circumstances may school officials require students to remove any other items of clothing or touch students in any way during the search.

3.4.5. If this limited search does not turn up suspected contraband and school officials have reasonable suspicion that the student is concealing contraband in his/her inner clothing (i.e., hiding drugs, weapons or other contraband underneath shirts, pants or underwear), law enforcement authorities shall be summoned immediately to conduct further search and investigation.

3.4.6. In general, all questioning and searching of students conducted by law enforcement authorities shall proceed according to the investigation guidelines in Section 3.1 of this policy.

3.5. Canine Searches

The school principal, in conjunction with local law enforcement officials, may determine when, and if, a specially trained detection canine shall be used in the school to search for drugs, weapons, or other contraband. In creating a proper and effective learning environment within the framework of mutual respect and trust, a school principal should use caution and discretion in determining when to use a drug detecting canine in the school. No detection canine shall be used in the school for searches without the permission of the principal.

3.5.1. Students. Sniffing of students by detection canines is considered to be a search under the Fourth Amendment, may be embarrassing or frightening, and shall not be permitted in schools.

3.5.2. Lockers. The sniffing of school lockers or personal items (backpacks, gym bags, book bags, etc.) on school property by detection canines of lockers may be permitted. A positive alert by a detection canine may be considered reasonable grounds for a school official to conduct a search of the locker or personal items as outlined in this policy.

3.6. Searching Students and Possessions While At School-sponsored Activities

The authorization to search shall also apply to all situations in which the student is under the jurisdiction of Vista School, including all students participating in extracurricular activities.

3.7. Parent Notification

School officials have no obligation to contact parents before detaining and questioning students.

3.8. Documentation of Searches

School officials shall thoroughly document the details of any search conducted of a student's property or person. Documentation shall be made at the time of the search, or as soon as possible thereafter, and shall include the following:

- 3.8.1. the time, place and date of the search;
- 3.8.2. the reasonable suspicion giving rise to the search (what did school officials suspect to find during the search);
- 3.8.3. the name and title of individuals conducting and observing the search;
- 3.8.4. a statement about evidence that was found or not found as a result of the search;
- 3.8.5. a statement about who took possession of contraband (i.e., police, school, etc.);
- 3.8.6. information regarding the attempts of school officials to notify parents about the search.