

CHAVEZ HUIERTA

K-12 PREPARATORY ACADEMY

Book	CHPA Board Policy Manual
Section	Chapter 3 Academic Affairs
Title	AP Conducting Student Searches
Number	AP 3400
Status	Active
Legal	Chávez/Huerta K-12 Board of Directors C.R.S 19-2-511 C.R.S. 22-32-109.1 (2)(a) United States v. Place, 462 U.S. 696, 103 S.Ct. 2637 (1983).
Adopted	November 19, 2018
Last Reviewed	December 3, 2018
Last Revised	December 3, 2018

The mission of CHPA is to maximize the academic and social development of our students. In performing that function, occasional misdeeds by youngsters or employees cause districts to investigate violations and mete out consequences. The following search and seizure procedures will be utilized in accordance of Board Policy 3400 Conducting Student Searches.

A “search” means conduct by a school employee that involves intrusion into a person’s protected privacy interests by examining items or places that are not out in the open or exposed to public view. The following are examples of searches:

- Examining items or places that are not in the open and exposed to public view.
- Physically examining or patting down a student’s body or clothing, including the student’s pockets.
- Opening and inspecting personal possessions such as purses, backpacks, bags, books, and closed containers.
- Handling or feeling any closed, opaque item to determine its contents when they cannot be inferred by the item’s shape or other publicly exposed physical properties.
- Using any extraordinary means to enlarge the view into closed or locked areas, containers, or possessions, so as to view items not in plain view and exposed to the public.

AP 3400 Conducting Student Searches

Employees of Chavez-Huerta Preparatory Academy will use the following procedures to conduct searches:

- 1) A search or seizure may only be conducted if there is enough reasonable evidence to conduct such an activity.
- 2) An administrator must be involved in the search. Searches will not be allowed to be conducted unless an administrator is present.
 - a. There must be two individuals present for any search. One administrator, and another CHPA staff member.
 - b. If a male is being searched, the administrator or staff member must be a male, if a female is being searched, the administrator or staff member must be a female.
- 3) The student will be asked if they are in possession of the item that is being searched for. If the student answers positively, the administrator will ask for the item and may continue the search for other related items. If the student answers negatively, the student will be asked if a search of their items can be conducted.
 - a. If the student agrees, a search of a student's backpack, purse, bags, books, and closed containers may be conducted
 - b. A student's outer clothing (jacket, hoodie, coat...etc.) may also be searched by asking the student to remove the outer clothing, and a staff member may search.
 - c. The student will be asked to swipe back pockets and pull out front pockets to ensure nothing is hidden.
 - d. The staff member will check a student's shoes and socks to ensure nothing is hidden.
 - e. If a student disagrees with the search and fails to cooperate with school officials, then the student will be considered for disciplinary action.
 - i. A parent will be contacted immediately and notified of the student's decision. The parent will be given the opportunity to be present and give permission for the search to be conducted.
 - ii. Law enforcement may also be contacted, with the parent present, and a search may also be conducted.
 - f. Once the search is complete, any contraband found will be seized and handed over to law enforcement for further prosecution if warranted by the school. Parents will be contacted and informed of the situation and any consequences.
 - g. If no contraband is found, the student will be allowed to go back to class with no consequence. Parents will be contacted and informed of the reason for the search.
 - h. No employee of CHPA will conduct a search of a student's body or underclothing.
- 4) School lockers, desks, and other storage areas are school property and remain at all times under the control of the school. All such lockers, desks, and storage areas, as well as their contents, are subject to inspection at any time, with or without notice.
- 5) Students shall assume full responsibility for the security of their lockers and/or other storage areas in the manner approved by the administration. Students shall be responsible for whatever is contained in desks and lockers assigned to them by the school, as well as for any loss or damage relating to the contents of such desks and lockers.

AP 3400 Conducting Student Searches

- a. In the case of searching a locker, desk, or other storage area, the student will be informed of the intent to search.
 - b. An administrator and staff member must be present while the search is being conducted.
 - c. A thorough search of all contents within the locker, desk, or other storage area will be conducted.
 - d. If a student disagrees with the search and fails to cooperate with school officials, then the student will be considered for disciplinary action.
 - i. A parent will be contacted immediately and notified of the student's decision. The parent will be given the opportunity to be present and give permission for the search to be conducted.
 - ii. Law enforcement may also be contacted, with the parent present, and a search may also be conducted.
 - e. Once the search is complete, any contraband found will be seized and handed over to law enforcement for further prosecution if warranted by the school. Parents will be contacted and informed of the situation and any consequences.
 - f. If no contraband is found, the student will be allowed to go back to class with no consequence. Parents will be contacted and informed of the reason for the search.
- 6) Any vehicle parked on the property of Chávez/Huerta K-12 Preparatory Academy is subject to search and seizure if the school official has reasonable cause to suspect a violation has occurred. A student's failure to cooperate with school officials conducting a search of a vehicle shall be considered grounds for disciplinary action. At the principal or principal designee's discretion, law enforcement may be contacted to help support the investigation.
- a. In the case of searching a student's car the student will be informed of the intent to search.
 - b. An administrator and DPH security must be present while the search is being conducted.
 - c. A thorough search of all contents within the car, including the trunk, glove compartment, and other hidden areas can be searched.
 - d. If a student disagrees with the search and fails to cooperate with school officials, then the student will be considered for disciplinary action.
 - i. A parent will be contacted immediately and notified of the student's decision. The parent will be given the opportunity to be present and give permission for the search to be conducted.
 - ii. Law enforcement may also be contacted, with the parent present, and a search may also be conducted.
 - e. Once the search is complete, any contraband found will be seized and handed over to law enforcement for further prosecution if warranted by the school. Parents will be contacted and informed of the situation and any consequences.

AP 3400 Conducting Student Searches

- f. If no contraband is found, the student will be allowed to go back to class with no consequence. Parents will be contacted and informed of the reason for the search.
- 7) In order to deter the use, possession, or distribution of narcotics at CHPA, the Board of Directors of CHPA will allow for the use of a drug – scent canine. In cooperation with the Pueblo Police Department, a drug-scent canine will be allowed to alert administrators to potential violations of drug policy by searching student containers within elementary, middle, and high school classrooms.
- a. Students will be asked to leave the classroom before the canine enters the room.
 - b. Only CHPA personnel and Pueblo Police drug-scent canine units will be allowed in the room while the search takes place
 - c. If the dog hits on a backpack or other personal property of a student, the property will be immediately removed from the classroom or area in which the canine is searching.
 - d. The student will be asked if they are in possession of any narcotics being searched for. If the student answers positively, the administrator will ask for the item and may continue the search for other related items. If the student answers negatively, the student will be asked if a search of their items can be conducted.
 - e. If a student disagrees with the search and fails to cooperate with school officials, then the student will be considered for disciplinary action.
 - i. A parent will be contacted immediately and notified of the student’s decision. The parent will be given the opportunity to be present and give permission for the search to be conducted.
 - ii. Law enforcement may also be contacted, with the parent present, and a search may also be conducted.
 - f. Once the search is complete, any contraband found will be seized and handed over to law enforcement for further prosecution if warranted by the school. Parents will be contacted and informed of the situation and any consequences.
 - g. If no contraband is found, the student will be allowed to go back to class with no consequence. Parents will be contacted and informed of the reason for the search.