

CHAVEZ HUIERTA

K-12 PREPARATORY ACADEMY

Book	CHPA Board Policy Manual
Section	Chapter 3 Academic Affairs
Title	BP Conducting Student Searches
Number	BP 3400
Status	In Development
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 13, 2018
Last Reviewed	October 22, 2018
Last Revised	October 22, 2018

The Board of Directors of Chávez/Huerta K-12 Preparatory Academy seeks to maintain a climate in the schools which is conducive to learning and protective of the safety and welfare of staff and students. To achieve this goal, it may be necessary for school personnel to search the person and/or the personal property of the student and to seize any property deemed injurious or detrimental to the safety and welfare of students and staff. Hence, the Board of Directors of Chávez/Huerta K-12 Preparatory Academy may allow the principal or designee to conduct interviews and searches of students without prior consent of the student's parent/guardian.

In situations where a student is suspected of violating board policies or school rules, the principal or designee may interview and/or search the suspected student if the school official has reasonable grounds to suspect that such a violation has occurred. The nature and extent of the questioning must be reasonably related to the objectives of the questioning. If the student denies any involvement or culpability, the student will have the opportunity to present his or her side of the story, orally or in writing. At the principal or principal designee's discretion, law enforcement may be contacted to help support the investigation.

The principal or designee may search a student and/or the student's personal property while on school premises or during a school activity in accordance with this policy and may seize any illegal, unauthorized, or contraband materials. Whenever possible, the student shall be informed of the reason(s) for conducting the search and the student's permission to perform the search shall be

requested. A student's failure to cooperate with school officials conducting a search shall be considered grounds for disciplinary action.

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.

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.

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.

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 Law Enforcement, 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. "It must be emphasized that, while the act of exposing a locker or book bag to a trained canine might be a reasonable search, depending on the circumstances, opening the locker or container or entering a vehicle in response to the dog's alert would constitute a search requiring reasonable suspicion (or probable cause, if the drug detection canine is provided by a law enforcement agency). However, it is probable that a positive alert by a scent dog would constitute evidence sufficient enough to meet the reasonable suspicion test, giving school officials reasonable grounds to open and inspect the locker, container, or vehicle" (U.S. vs. Place, 1983).