

**BOARD OF TRUSTEES
CARSON CITY SCHOOL DISTRICT**

**REGULATION No. 526
STUDENTS**

SEARCH AND SEIZURE

Purpose

The purpose of this regulation is to implement Policy No. 526 adopted by the Board of Trustees (the “Board”) of the Carson City School District (“CCSD” or “District”) in its efforts to provide a safe and secure academic environment for learning that promotes the acquisition of knowledge and advances the free exchange of ideas in an atmosphere free of firearms, weapons, alcohol, controlled substances, or other items of contraband prohibited by law, District rules or regulations, and which jeopardize the health, safety, and welfare of the school community. Prudence dictates that appropriate school officials be authorized, either with voluntary consent and without such consent where reasonable suspicion or exigent circumstances exist, to search students and their property, student use areas, student lockers, and student automobiles, and seize any illegal, unauthorized, or contraband materials discovered in the search.

Scope

This regulation applies to all students of the District, whether on school property, school buses or vehicles, at school bus stops, and at academic and non-academic events. This regulation also applies to situations in which students are under the jurisdiction of the District, including students participating in extracurricular activities and athletics, dually enrolled students, and students taking online courses.

Definitions

- A. “Appropriate school official” means the most appropriate school employee to conduct the search, considering all the circumstances. Generally the appropriate school official is the school principal, vice principal, or dean of students. Further, the more intrusive the search, the higher the level the school official should be to conduct the search. Other factors include the age of the student, the gender of the student, whether the student has an IEP, the student’s background, the seriousness of the alleged offense, the availability of an appropriate school official, and the urgency of the situation.
- B. "Electronic device" means a privately owned device that is used for audio, video, or text communication, or any other type of computer or digital device.
- C. “Reasonable suspicion” means a particularized and objective basis, supported by specific articulable facts, for suspecting a person of criminal activity. Both the reason for the search and the scope of the search must be reasonable.

In addition, as used in this regulation, “reasonable suspicion for a search” means grounds sufficient to cause an adult of normal intellect to believe that the search of a particular person, place, or thing will lead to the discovery of evidence that the student:

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- A. has violated or is violating a rule or behavioral norm provided in school policy;
- B. has violated or is violating a particular law;
- C. possesses an item or substance which presents a danger of physical harm or illness to student, staff or school/district property.

The scope of any search should be limited by the reasonable suspicion that gave rise to the need for the search. If an item is found that leads to reasonable belief 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 based on simple curiosity or suspicion not based upon observed facts.

School Property - Lockers, Desks, Other Storage Areas Provided for Student Use

The District acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Where locks are provided for such places, students may lock them against access by other students, but students should not expect that their privacy prevents examination by a school official for routine cleaning and maintenance upon reasonable notice, in case of emergency at any time, and at other times based upon a reasonable suspicion of criminal activity. In the course of any search, students' privacy rights will be respected. However,

- A. All lockers and other storage areas provided for student use remain the property of the District. A student using the locker or storage area is expected to review and sign the "Student Locker Assignment Authorization" form attached to this regulation. In the case of minors, a parent will be expected to review and sign on behalf of the student. No student shall lock or otherwise impede access to any locker or storage area except with a lock provided by or approved by school administration. Unapproved locks may be removed and destroyed.
- B. An appropriate school official may open and access a student locker and storage area at any time upon reasonable notice to the student, and for any justifiable reason, including cleaning maintenance, and the like.
- C. An appropriate school official may open and access a student locker and storage area at any time upon reasonable notice to the student, and for any justifiable reason, including cleaning, maintenance, and the like.
- D. An appropriate school official may open and search a student locker and storage area and the contents therein at any time, with the consent of the student.
- E. An appropriate school official may open and search a student locker and storage area and the contents therein at any time, without the consent of the student, if the official has reasonable suspicion that evidence of criminal conduct or conduct in violation of District policies may be contained therein.
- F. An appropriate school official may open and search a student locker and storage area and the contents therein at any time, without the consent of the student, if exigent circumstances exist.
- G. An appropriate school official may, at any time, request assistance of law enforcement in connection with any search and seizure of lockers, desks, or other storage areas provided for student use.

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Using Dogs in Searching School Property

The District authorizes the use of canines, trained in detecting the presence of drugs, devices, or contraband when the appropriate school official has reasonable suspicion that illegal drugs, devices, or contraband may be present in a school. This means of detection shall be used only to determine the presence of drugs, devices, or contraband in locker areas, student desks, storage areas, and other places in the school where such items could be concealed. Canine detection will be conducted in collaboration with law enforcement authorities and will not be used to search students personally unless either a warrant or parental permission is obtained prior to the search.

Where a dog sniff search is otherwise appropriate, students may be detained while the search is in progress. Students may be required to display personal items in their possession (by emptying their pockets, purses, backpacks, book bags, gym bags).

Student Person and Possessions

The District recognizes that the privacy of students and their belongings should not be violated by unreasonable search and seizure. Absent exigent circumstances, no student should be subjected to personal search without reasonable suspicion or in an unreasonable manner. The extent of the search will be governed by the urgency and seriousness of the alleged infraction, the student's age, and the student's disciplinary history.

Personal Search of a Student and Student Consent to Search

A request for the search of a student or a student's possessions will be directed to the appropriate school official who shall determine the need for the search, and absent exigent circumstances, shall attempt to obtain the voluntary consent of the student to the inspection. However, where exigent circumstances exist or where a search is based upon reasonable suspicion, a search may be conducted without such consent.

Generally, a search of property, including lockers and storage areas, will be conducted by two appropriate school officials in the presence of the student. At least one school official will be the same gender as the student. A search prompted by the reasonable belief that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

The search of a student's person may be conducted by an appropriate school official when the appropriate school official has reasonable suspicion for a search of that student or when exigent circumstances exist. Authorized searches of the student's person are generally conducted as follows:

- A. the student's pockets;
- B. purses, backpacks, or any objects in the possession of the student;
- C. a "pat down" of the exterior of the student's clothing and the removal of any identified item;
- D. removal of an article of exterior clothing such as a jacket;
- E. a student's electronic device if warranted and to the extent warranted.

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Strip Searches

Strip searches shall be conducted only by law enforcement personnel.

Documentation of Search

The appropriate school official shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information that established the need for the search, including the name of the informant, if any; the persons present when the search was conducted; any substances or objects found and the disposition made of them; and any subsequent action taken. The appropriate school official shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or objects taken from a student. The appropriate school official or the District Superintendent shall report a student's possession of a dangerous weapon consistent with NRS 202.265.

Search Procedures

The following steps shall be taken when there is reasonable suspicion that a student is in possession of drugs, dangerous devices, or contraband:

- A. All requests for a search of a student or student's possessions shall be directed to the appropriate school official or the person in charge of the student if student is outside of the District or a school.
- B. Wherever possible, before conducting the search, the appropriate school official shall notify the student, request the student's voluntary consent to the search, and inform the student that he or she may withhold consent. Regardless, the appropriate school official may conduct the search, with or without the consent.
- C. Wherever possible, an adult third party who is also an appropriate school official should be present at any search of a student's person or possessions.
- D. The appropriate school official may conduct a student search upon reasonable suspicion of the presence of an illegal or dangerous substance or object or any contraband as defined by law or school rules.

Health/Safety of Students

Whenever the search is prompted by a reasonable suspicion that the presence of a substance or object immediately threatens the safety and health of the student or others, the appropriate school official shall notify law enforcement (either the school resource officer or local law enforcement) and then proceed with as much speed and dispatch as is required to protect persons and property in the school while keeping in mind the student's rights and the potential consequences of inappropriate or hasty action.

Items Found

Anything found in the course of a search which is evidence of a student violation of school rules or federal or state law may be seized and used as evidence in any suspension or expulsion proceeding. Any such item should be tagged for identification at the time it is seized and kept in a secure place by the school official until it is presented at the hearing. It may also be turned over to law enforcement after proper notation and receipt.

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Vehicles

Vehicles in the possession of students and parked on school premises may be searched, based on reasonable suspicion, by the appropriate school official.

Use of Breath Alcohol Testing Instruments

The appropriate school official may arrange for a breath test for blood-alcohol to be conducted on a student whenever the school authority has individualized reasonable suspicion to believe the student is under the influence of alcohol or an illegal unprescribed substance.

The following procedure should be used if the test is conducted by an appropriate school official:

- A. Take the student to a private administrative or instructional area on school property and have at least one other member of the administrative staff present as a witness to the test and request the student to voluntarily submit to the test. If the student refuses to take the test, inform him or her that the refusal to participate leaves the observed evidence, which may lead to disciplinary action.
- B. If the student tests positive for the presence of alcohol, contact the school resource officer or local law enforcement.
- C. Allow the student a second opportunity to be tested, and if the student refuses, ask the student to sign a refusal statement. Regardless of whether or not the student signs a refusal statement, prepare a written report of the incident.

Student Electronic Devices

A student's personal cellphone or other electronic communication device may be confiscated when its use or possession violates school policy. Prior to search of an electronic communication device the school administrator must first establish whether reasonable suspicion exists for a search. School administrators should be confident that they have reasonable suspicion based upon the following: (1) Is it reasonable to believe that the search will yield evidence that the student has violated the law or a school rule? And (2) If so, how will the search be conducted so that the scope limited only to those parts of the contents where the evidence being sought may reasonably be expected to be found?

Seek consent. If a search meets the standard described above, a school official does not need a student's consent to proceed with a search of his or her cellphone. Nevertheless, school officials should always ask the student for consent prior to the search.

Involve other administrators. If evidence of misconduct is discovered, the content should be viewed by a second school official. Generally, evidence should be preserved in some manner so that it may be presented as evidence during a subsequent disciplinary proceeding.

Sexting presents special considerations. If the material is child pornography, the mere possession of it can constitute a crime. Such material should not be copied, photographed or transmitted, as this could unintentionally expose school personnel to criminal liability. Rather, law enforcement should be called immediately and the phone should be handed directly to law enforcement personnel.

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Parent Notification

Although school officials have no legal obligation to contact parents before detaining and questioning students, unless circumstances dictate otherwise, the school official, should make and document the reasonable efforts, notify the parent or guardian of the student regarding the search and seizure.

Reference: NRS 202.265; 392.466, and see generally, *In re L.A.W.*, 131 Nev., Adv Opn 24 (May 7, 2015), and *A Minor v. State*, 91 Nev. 456 (1975).

Adopted: July 9, 2019