



Student Searches Policy

Definitions

- *“Reasonable Suspicion”* means a sufficient probability that the search will reveal evidence the student has violated or is violating law or Charter School rules and regulations. Certainty is not required. Articulable facts must support a school official’s reasonable suspicion that a search is justified. Curiosity, rumor or hunch is not enough.
- A *“violation of either law or Charter School rules and regulations”* includes, but is not limited to, possession of illegal or unauthorized materials. Illegal or unauthorized materials include those materials which are dangerous to the health or safety of students or school personnel, are disruptive or potentially disruptive, or which have been cited as unauthorized in Charter School rules or regulations.
- *“Personal electronic device”* means a device that stores, generates, or transmits information in electronic form, and is not owned or otherwise loaned to the student by Charter School.
- *“Electronic communication”* means the transfer of signs, signals, writings, images, sounds, data, or intelligence of any nature in whole or in part by a wire, radio, electromagnetic, photoelectric, or photo-optical system.
- *“Electronic communication information”* means any information about an electronic communication or the use of an electronic communication service, including, but not limited to, the contents, sender, recipients, format, or location of the sender or recipients at any point during the communication, the time or date the communication was created, sent, or received, or any information pertaining to any individual or **personal** device participating in the communication, including, but not limited to, an IP address.

Student Searches - Generally

A Charter School official (e.g., administrator, employee, teacher, school resource officer, and/or employee), may conduct a reasonable search of a student’s person and/or personal effects (e.g., backpack, purse, etc.) if a school official has reasonable suspicion that the student is engaged in or has engaged in illegal activity or a violation of Charter School rules and regulations. Whether a search is reasonable depends on the context within which a search takes place. The Charter School official must assess the reliability of the student or person providing the information, the degree of danger to others, and the immediacy of the need for a search.

The search of a student and/or their personal effects must be:

1. **Justified at its Inception:** There are reasonable grounds for suspecting the search will turn up evidence that the student is violating or has violated the law or Charter School rules. Articulate facts must support a Charter School official's reasonable suspicion that a search is justified. In no case shall a search be conducted if predicated on mere curiosity, rumor, or hunch; and
2. **Reasonable in Scope:** The measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

Searches of Personal Electronic Devices

School officials may not search the student's personal cell phone, smartphone, or other personal electronic device without the student's or their parent/guardian's consent or a legitimate emergency, unless the device is lost or abandoned. An emergency is any situation involving danger of death or serious physical injury to any person, that requires access to the information located or reasonably believed to be located on the electronic device. If the Charter School has a good faith belief that the device is lost, stolen, or abandoned, the Charter School may only access electronic device information in order to attempt to identify, verify, or contact the owner of the device.

Nothing in this Policy prohibits the Charter School from seizing/confiscating a student's personal electronic device, without searching its contents, if the student's use or possession of the personal electronic device is in violation of Charter School rules or regulations.

Required Conduct of Searches

Additionally, any search of a student and/or of their personal effects shall be:

1. Conducted in the presence of at least one (1) other adult witness, whenever possible;
2. Conducted out of the presence of other students to maintain student confidentiality;
3. Conducted in a manner that does not involve:
 - a. Conducting a body cavity search of a student manually or with an instrument; or
 - b. Removing or arranging any or all of the clothing of a student to permit visual inspection of the underclothing, breast, buttocks, or genitalia of the student.
4. Documented by keeping a log of the search methods as well as a written description and/or pictures of any prohibited or illegal items ultimately seized as a result of the search.

Student Use Areas

Student use areas, including, but not limited to, instructional and recreational space, are considered Charter School property and remain at all times under the control of Charter School. Periodic general inspections of instructional space and other areas of the school may be conducted by Charter School officials for any reason at any time without notice.

Administrative Searches

Forest Charter School may conduct certain administrative searches of students and their belongings without individualized suspicion, provided the search is conducted pursuant to a neutral, uniformly applied policy designed to promote school safety. Such searches may include the use of metal detectors, wand searches, random locker inspections, and random bag or backpack checks. These searches are not directed at any particular student but are instead applied on a uniform, non-discriminatory basis to all students, or to a randomly selected group, as a general safety measure and in response to a systemic, schoolwide health or security threat (e.g. widespread use or sale of drugs, or known/suspected possession of weapons). Forest Charter School officials shall ensure that administrative search procedures are implemented consistently and without regard to a student's race, ethnicity, gender, religion, or any other protected characteristic.

When conducting administrative searches, Forest Charter School officials should endeavor to use the least intrusive means reasonably necessary to achieve the safety objective. Forest Charter School may conduct metal detector screenings and wand searches by appropriately trained school personnel or authorized security staff. Where a metal detector or wand search indicates the presence of a prohibited item, Forest Charter School officials may conduct a more targeted search of the student's belongings consistent with the reasonable suspicion standard.

Students who refuse to submit to an administrative search conducted pursuant to this policy may be subject to disciplinary action pursuant to Forest Charter School policies and may be denied entry to the school campus or a specific school event. All administrative searches shall be documented, including the date, location, scope of the search, personnel involved, and any items discovered or confiscated.

Seizure of Illegal or Unauthorized Materials

If a lawfully conducted search yields illegal or unauthorized materials, such materials may be turned over to the proper legal authorities for ultimate disposition as appropriate.

Discipline

If illegal or unauthorized materials are discovered during a search, including but not limited to searches conducted by Charter School officials, Forest Charter School may impose discipline upon the student(s) (including suspension and/or expulsion) in accordance with Charter

School's discipline policies and procedures. Charter School officials may notify law enforcement authorities if any search and/or seizure results in the discovery of illegal materials.

Video Surveillance and Other Recording Devices

Forest Charter School may utilize video surveillance devices in all common areas of the school campus, including, but not limited to, outdoor spaces, entrances and exits, parking lots, stairwells, hallways, classrooms, the main office, and any other commonly used spaces.

Video surveillance recordings are not considered student education records unless the recording is maintained and intended for use in a disciplinary action or other school proceeding. A video surveillance recording is not considered a student's education record when the student's image is incidental to the activity shown in the recording or when the student is participating in a public activity.

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