



SCHOOL BOARD OF BREVARD COUNTY, FLORIDA
School Board Policy Executive Summary
 Form D

Policy Number:	5771
Title of Policy:	Search and Seizure
Cabinet Member:	Robin Novelli, Chief Operating Officer, District Operations
Purpose of Revisions:	The purpose of the proposed revisions to the policy is to ensure compliance with all applicable federal and state laws, Florida State Board of Education Rules, Board policies, administrative rules, procedures, and guidelines. In addition, the proposed revisions promote transparency and accountability.
Tentative Schedule:	<ul style="list-style-type: none"> • Cabinet – 4/6/20 • Work Session – 5/12/20 • Rule Development Workshop – 6/16/20 • School Board Meeting Information – 6/16/20 • School Board Meeting Approval – 6/30/20 • Effective Date – upon approval
Summary of Proposed Policy Revisions:	<ul style="list-style-type: none"> • This policy is being revised to clarify the procedures regarding search and seizure and other changes in compliance with applicable Florida law. • Particular areas of revision include the following: to include reasonable suspicion searches in addition to random searches, searches of a student’s person by a staff member of the same gender, if feasible, or in the presence of another staff member, authorizes use of trained canines for search. • This policy further explains the use of breath test for blood-alcohol levels if a student is suspected of consuming alcoholic beverages. • These proposed revisions encompass the suggested language from NEOLA.
Specific Authority:	§§901.21, 933.07, 1006.09(9); F.S.; U.S. Constitution, 4 th Amendment, Florida Const. Art. I, Section 2
Next Steps:	<ul style="list-style-type: none"> • Revisions to internal procedures • Training for BPS employees regarding revisions to policy and revised procedures

**Current
Version**

BPS Current

5771 - SEARCH AND SEIZURE

The Board recognizes that the privacy of students or their belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion or in an unreasonable manner.

The Board acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Such spaces remain the property of the Board and, in accordance with law, may be the subject of random search. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have such an expectation of privacy as to prevent examination by a school official. The Board directs the school principals to conduct a routine inspection at least annually of all such storage places.

School authorities are charged with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search the person or property, including vehicles, of a student, with or without the student's consent, whenever they reasonably suspect that the search is required to discover evidence of a violation of law or of school rules. The extent of the search will be governed by the seriousness of the alleged infraction and the student's age.

This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.

Administrators are permitted to conduct a random search of any student's locker and its contents at any time, providing proper notice has been posted in the locker areas of each building.

Search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender, and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened.

Except as provided below, a request for the search of a student or a student's possessions will be directed to the principal who shall seek the freely offered consent of the student to the inspection. Whenever possible, a search will be conducted by the principal in the presence of the student and a staff member other than the principal. A search prompted by the reasonable suspicion 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 principal shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found; and the disposition made of them. The principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

The Superintendent shall prepare administrative procedures to implement this policy.

F.S. 901.21, 933.07, 1006.09(9)
U.S. Constitution, 4th Amendment
Florida Const. Art. I, Section 2

Neola Template

Neola template

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School authorities are charged with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search the person or property, including vehicles, of a student, with or without the student's consent, whenever they reasonably suspect that the search is required to discover evidence of a violation of law or of school rules. The extent of the search will be governed by the seriousness of the alleged infraction and the student's age. This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.

Search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender, and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened.

Administrators are authorized to arrange for the use of a breath-test instrument for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level, since the Board has established a zero tolerance for alcohol use.

The Board also authorizes the use of canines, trained in detecting the presence of drugs or devices, when the Superintendent has reasonable suspicion that illegal drugs or devices may be present in a school. This means of detection shall be used only to determine the presence of drugs in locker areas and other places on school property where such substances could be concealed. Canine detection must be conducted in collaboration with law enforcement authorities or with organizations certified in canine detection and is not to be used to search individual students unless a warrant has been obtained prior to the search.

Except as provided below, a request for the search of a student or a student's possessions will be directed to the principal who shall seek the freely offered consent of the student to the inspection. Whenever possible, a search will be conducted by the principal in the presence of the student and a staff member other than the principal. 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 principal shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found; and the disposition made of them. The principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

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Legal

F.S. 901.21

F.S. 933.07

F.S. 1006.09(9)

Fla. Const. Art. I, Sec. 2

U.S. Constitution, 4th Amendment

Cross References

ap5771 - SEARCH AND SEIZURE

**Redline
Draft**

BPS Current

5771 - SEARCH AND SEIZURE

- A. The Board recognizes that the privacy of students or their belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion or in an unreasonable manner.
- B. The Board acknowledges the need for in-school storage of student possessions and ~~shall~~ may provide storage places, including desks and lockers, for that purpose. Such spaces remain the property of the Board and, in accordance with law, may be the subject of ~~random-a~~ search upon reasonable suspicion that a prohibited or illegally possessed substance or object is contained therein. Where lockers are provided for such places, students may lock them against incursion by other students, but in no such places shall students have such an expectation of privacy as to prevent examination by a school official. The Board directs the school principal or designees to conduct a routine inspection at least annually of all such storage places.
- ~~C.~~ School authorities are charged with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search the person, ~~or~~ property, ~~including-or~~ vehicles, of a student, with or without the student's consent, whenever they reasonably suspect that the search is required to discover evidence of a violation of law or of school rules. The extent of the search will be governed by ~~the seriousness of the alleged infraction and the student's age, not limited to, the training and experience of the~~ school authority, their personal observations, the reliability of witness information, anonymous information, previous experiences with the student to be searched, the knowledge of the student's age, reputation, and discipline record; the prevalence and/or seriousness of the suspected violation of law or the Code of Student Conduct, and the urgency to protect the health and safety of students, school personnel, and/or others.
- ~~D.C.~~ _____
- ~~E.D.~~ _____ This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.
- ~~F.E.~~ _____ Administrators are permitted to conduct a random search of any student's locker and its contents at any time, providing proper notice has been posted in the locker areas of each building.
- ~~G.~~ Search of a student's person or intimate personal belongings shall be conducted ~~by a person of the student's gender,~~ in the presence of ~~another-a~~ staff member ~~and/or a law enforcement officer, and if feasible, one should be~~ of the same gender ~~as the student, and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened.~~
- ~~H.F.~~ _____
- ~~G.~~ The Board also authorizes the use of canines, trained in detecting the presence of drugs and paraphernalia. The means of detection shall be used only to determine the presence of drugs in places where such substances can be concealed. Canine detection will be conducted by law enforcement with specific training in the field of canine handling and detection. The Board has adopted the use of specially trained single purpose canines to be utilized for this purpose around students and/or staff. District Security reserves the authority to request canines specifically trained in explosive detection, search and rescue, or other disciplines when circumstances justify the need.
- ~~I.H.~~ Except as provided below, a request for the search of a student or a student's possessions will be directed to the principal or designee, who shall first seek the freely offered consent of the student to the inspection. However, consent is not required for search subject to reasonable suspicion. Whenever possible, a search will be conducted by the principal or designee, in the presence of the student, ~~and a-another~~ staff member, ~~other than the principal and/or a law enforcement officer.~~ A search prompted by the reasonable suspicion 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 and consent is not a requirement. If the search is for weapons, the District's Active Assailant Response Procedures shall be relied upon as a guide. Refusal of a reasonable suspicion search will be presumptive confirmation of violation to be handled pursuant to *****the disciplinary guidelines of the Code of Student Conduct.

J.I. The principal or designee shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of ~~informant~~ the witness, if any known; the persons present when the search was conducted; any substances or objects found; and the disposition made of them. The principal or designee will make a reasonable attempt to notify the parent/legal guardian(s) of a student subject to search and will document these attempts. ~~The principal~~ school resource officer or local law enforcement officer shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

J. The principal or designee may arrange for a breath test for blood-alcohol to be conducted on the student whenever the principal or designee has individualized reasonable suspicion to believe the student has consumed alcoholic beverages.

K. The Superintendent shall prepare administrative procedures to implement this policy.

Adopted 5/1/02
Revised _____

F.S. 901.21,

F.S. 933.07,

F.S.-1006.09(9)

U.S. Constitution, 4th Amendment

Florida Const. Art. I, Section 2

**Clean
Version**

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- D. This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.
- E. Administrators are permitted to conduct a random search of any student's locker and its contents at any time, providing proper notice has been posted in the locker areas of each building.
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Adopted 5/1/02
Revised _____

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F.S. 933.07
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U.S. Constitution, 4th Amendment
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