

5.31 - Detention, Search, and Seizure

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DETENTION, SEARCH, AND SEIZURE

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1. Any instructional or administrative staff member shall be authorized to temporarily detain and question a student under circumstances which reasonably indicate that such student has committed, is committing, or is about to commit a violation of Alabama statutes, Alexander City Board of Education, or a school's Code of Conduct. For further information, refer to the Alexander City School System's Code of Conduct.

1. Desks, lockers and other equipment at school belong to the Alexander City Board of Education and, although assigned to particular students for use, may be entered and searched by school officials whenever said school officials have reasonable belief that some substance or other material, which is illegal, harmful to the safety of the student himself or the student body as a whole, or significantly disruptive or dangerous to the overall discipline of the school, is contained therein.

1. Students shall reasonably expect his or her person to be free from search in accordance with rights guaranteed by the U.S. Constitution. Therefore, any search of a student conducted by school officials shall be made only when reasonable belief that the student is in possession of weapons, stolen items, illegal drugs, or other items harmful to the safety of the student or others. Any search shall not be intended to embarrass, intimidate, or harass any student.

1. Alexander City School System officials shall be authorized to search a student and the student's property including vehicles under the following conditions:
 1. A reasonable cause for a search exists.

2. The search must be conducted in privacy by a person of the same sex, if at all possible.
3. A third person of the same sex must be present during the search, if at all possible.
1. Parents or legal guardians shall be notified if the search results in the identification of any illegal paraphernalia.
1. If a reasonable cause exists for a search of an individual student and the student does not agree to the search, school officials shall not search the student. The following procedure shall be followed:
 1. The student shall be retained in the presence of school officials under constant observation and supervision.
 2. Parents or legal guardians of the student shall be notified and requested to come to the school.
 3. Parents or legal guardians shall be informed of the situation and asked to search the student.
 4. If parents or legal guardians refuse to cooperate with school officials, appropriate law enforcement authorities shall be notified and proper suspension or expulsion procedures shall be initiated.

REFERENCE(S):

CODE OF ALABAMA

16-11-9, 16-12-3, AAC §290-3-1-.02

HISTORY:

ADOPTED: 2006

REVISED: JULY 13, 2010

FORMERLY: 5.21