



VIBRANT MINDS CHARTER SCHOOL

TK-6 Grade, Free, Public Education

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BOARD POLICY CAMPUS SEARCH AND SEIZURE POLICY

Vibrant Minds Charter School (VMCS) recognizes and has determined that the occurrence of incidents which may include the possession of firearms, weapons, alcohol, controlled substances, or other item of contraband prohibited by law, or VMCS rules and regulations, jeopardizes the health, safety, and welfare of scholars and VMCS employees. Incidents which jeopardize the health, safety, and welfare of scholars and VMCS employees may necessitate the search of scholars, their property, and areas they use. This may result in the seizure of any illegal, unauthorized, or contraband materials in the search.

The California Constitution requires that all scholars and staff of public schools have the inalienable right to attend campuses which are safe, secure, and peaceful. As such, VMCS adopts this policy outlining the search of scholars, their property, and areas they use on campus, as well as the seizure of illegal, unauthorized, or contraband materials in the search.

Notice

Written notice of this policy shall be provided to scholars and their parents and/or guardians at the commencement of each school year and upon enrollment during the school year. A summary of this policy shall also be included in the Home/School Handbook and other materials, as appropriate, to be disseminated by VMCS to scholars, parents and/or guardians, and VMCS employees. In addition, VMCS shall place signs and/or other posted notifications on campus regarding this policy, as appropriate.

Scholar Searches

A scholar's person (e.g., jacket, pockets, hems, cuffs, socks, etc.) and/or personal effects (e.g., backpack, purse, fanny pack, etc.) may be searched if a school official has reasonable grounds for suspecting that the search will turn up evidence that the scholar has violated or is violating either the law or VMCS rules and regulations including, but not limited to, possession of illegal, unauthorized, or contraband materials. Illegal, unauthorized, or contraband materials include those materials which are dangerous to the health or safety of scholars or school personnel, are disruptive or potentially

disruptive, or which have been cited as unauthorized in school rules or regulations. These materials include, but are not limited to, weapons, drugs, and/or drug paraphernalia.

A search shall be conducted by a member of the Leadership Team (coordinators, assistant director, and/or director) as defined by this policy. Said search shall occur only when the reporting school official has stated articulable facts which support the school official's reasonable suspicion that a search is justified. Articulable facts are such which would lead a person to believe that a scholar had violated a school rule or the law. The facts should also indicate that a school rule or law was broken. In no case shall a search be conducted if predicated on mere curiosity, rumor, or hunch. Safeguards within this policy will be implemented in order to assure individual's reasonable expectation of privacy is not subject to the discretion of the official in the field.

Any search of a scholar and/or their personal effects shall be conducted by a member of the Leadership Team of the same gender as the scholar or the same gender by which the scholar identifies, and in the presence of another adult witness. If there is no one on the Leadership Team that is the same gender as the scholar, then it will be necessary to temporarily designate another staff member to provide support. The extent or scope of the search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the scholar and the nature of the infraction. For example, if a school official has reasonable suspicion to believe that a scholar has on his or her person an item imminently dangerous to the scholar or others, a more intrusive search of the scholar's person may be conducted.

In no case shall a strip search be conducted by school officials. These types of searches are prohibited by law and require a scholar to remove or arrange some or all of their clothing, and undergo the inspection of parts of the scholar's body.

A search of a group of scholars where no particular scholar within the group is suspected may be conducted only if there is reasonable suspicion of conduct imminently dangerous to scholars, others, or school property.

Areas Scholars Use

Areas scholars use include, but are not limited to, instructional and recreational space, are designated as school property, and remain at all times under the control of VMCS. Periodic general inspections of instructional space and other areas of the school may be conducted by the Leadership Team of VMCS for any reason and at any time without notice.

Scholars cubbies, desks, and other storage areas are school property and remain at all times under the control of VMCS. These areas may not be used to store illegal, unauthorized, or contraband materials.

The acceptance and use of cubbies, desks, and other storage areas on school campus by any scholar shall constitute consent by the scholar to the search of such storage areas by authorized school personnel and/or law enforcement.

Inspections of cubbies, desks, and other storage areas may be conducted by school personnel as directed by the Leadership Team and/or by law enforcement without cause. These inspections shall not be arbitrary, capricious, or discriminatory. Either all cubbies, desks, and other storage areas must be inspected or the cubbies, desks, and other storage areas to be inspected must be randomly selected.

All members of the school staff should check their areas of responsibility, (e.g., classrooms, restrooms, or grounds) daily for dangerous items.

Vehicles

Any public school ground utilized by any person contained therein or any other area that may be set aside for the personal use by any person remains under the exclusive control of VMCS. As such, vehicles may not be used to store illegal, unauthorized, or contraband materials.

The acceptance and use of the parking facilities for privately owned vehicles on school campus by any person shall constitute consent by the person to the search of such vehicles by authorized school personnel and/or law enforcement.

VMCS retains the authority to patrol and inspect parking lots at any time though the use of trained detection dogs in partnership with local law enforcement. These inspections shall not be arbitrary, capricious, or discriminatory. Either all vehicles must be inspected or the vehicles to be inspected must be randomly selected.

Seizure of Illegal, Unauthorized, or Contraband Materials

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

Discipline

If illegal, unauthorized, or contraband materials are discovered, school officials may impose discipline upon the scholar(s) (including suspension and/or expulsion) in accordance with VMCS's discipline policies and procedures. VMCS shall notify law enforcement authorities if any search and/or seizure results in the discovery of illegal contraband.

Review of Policy

This policy may be reviewed periodically by the VMCS Board.

Adopted: November 4, 2020

Amended: