

**SEARCH AND SEIZURE**

1. Search and Seizure. School authorities may search and seize the personal property of students (including lockers and other property under the student's control) and property on school property in accordance with law, which includes searches based on reasonable suspicion that the search will disclose evidence of activities or the possession of substances or items prohibited by law, District Disciplinary Rules or School Board policies.
2. Reasonable Suspicion. Reasonable suspicion to search exists when, based on all the facts and circumstances known to the person, there is cause to believe that the search will reveal evidence that the student has or is violating the law, District Disciplinary Rules or School Board policies. Probable cause is not required, but a mere hunch is not sufficient. A search is justified where there are articulable facts to support an objectively reasonable suspicion and school officials act reasonably under all the circumstances. The knowledge possessed by the school official must raise a moderate chance of finding evidence of wrongdoing.
3. Reasonable Suspicion - Drugs or Alcohol. Student using drugs or alcohol often exhibit negative behavior and display other indications of illegal drug or alcohol use. These can include mood swings, aggressive or lethargic behavior, fighting, risk-taking, paranoia, bragging or talking about drug or alcohol use, loss of interest in school and favorite activities, declining grades, poor grooming, truancy, excessive tardiness or absences, isolation, depression or withdrawal.

Reasonable suspicion includes, but is not limited to: Observation of negative behaviors and actions set forth above; specific observation of inappropriate or unusual behavior; body odors or speech of a student; and/or, information received from parents, students and District personnel.

4. Drug, Alcohol and Tobacco Testing. The District reserves the right to test a student at any time based on reasonable suspicion of alcohol, drug or tobacco use. The testing protocol for reasonable suspicion testing for alcohol, drugs and tobacco shall be the same as that set forth in AR 5131.61(b)-(c) of AR 5131.61 (Student Extra-Curricular Activities ATOD Testing).
5. Test Refusal. Refusal to submit to a drug, alcohol or tobacco test by a student under reasonable suspicion shall be considered the same as if the student had tested positive.
6. Scope of Search. The scope of the search must be reasonably related to the circumstances justifying the search and may not be excessively intrusive in light of the age and gender of the student and the nature of the infraction.

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Searches of the person that go beyond a search of outer clothing and belongings are categorically distinct and require specific suspicions and distinct elements of justification on the part of the school official.

7. Definitions. The following definitions apply to testing performed under this regulation:

“Alcohol” - Alcohol means any substance containing any form of alcohol including, but not limited to, ethanol, methanol, propanol and isopropanol.

“Drug” or “Illegal Drug” - Drug or illegal drug means a substance controlled or considered unlawful under AS 11.71, as that chapter may be amended, or the metabolite of the substance, which has not been validly prescribed for the student by a licensed health care provider authorized to prescribe the substance. Drug and illegal drug also means and includes alcohol and tobacco.

“Tobacco” - Tobacco means items such as cigars, cigarettes, snuff, loose tobacco and similar goods made with any part of the tobacco plant or which contain nicotine and which are prepared or used for smoking, chewing, dipping, sniffing or otherwise.