

# POLICY AND PROCEDURES

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Possession of Firearm

Locker Inspection

Search and Seizure

Use of Metal Detectors

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## **POSSESSION OF A FIREARM**

- A.) No student shall possess, handle or transmit any firearm on school property.
- B.) The following devices are considered to be a firearm as defined in Section 921 of Title 18 of the United States Code:
- Any weapon which will or is designed to or may readily be converted to expel a projectile by the action of an explosive
  - The frame or receiver of any weapon described above
  - Any firearm muffler silencer
  - Any destructive device which is an explosive, incendiary, or poison gas bomb, grenade, rocket having a propellant charge of more than one quarter ounce, mine, or any similar device
  - Any weapon which will, or which may be readily converted to, expel a projectile by the action of an explosive or other propellant, and which has any barrel with a bore of more than one-half inch in diameter
  - Any combination of parts either designed or intended for use in converting any device into any destructive device described in the two immediately preceding examples, and from which a destructive device may be readily assembled
  - Any device, which could be considered a look-a-like or reasonable facsimile.
- C.) The penalty for possession of a firearm: 10 days suspension and expulsion from school for calendar year. The superintendent may reduce the length of the expulsion, if the circumstances warrant such reduction. The superintendent shall notify the county prosecution attorneys' office when a student is expelled under this rule.

## **LOCKER INSPECTION AND RULES**

- A.) All lockers made available for student use on the school premises including lockers in the hallways, physical education lockers, athletic lockers, industrial arts room lockers, art lockers, etc., are the property of the East Gibson School Corporation. These lockers are made available for student use in storing school supplies and personal items for use at school, but are not to be used to store items which cause, or can reasonably be foreseen to cause, an interference with school purposes or an educational function, or which are forbidden by state law or school rules.
- B.) The student's use of a locker does not diminish the school corporation's ownership or control of the locker. The school corporation retains the right to inspect all lockers and their contents to ensure that the locker is being used in accordance with its intended purpose, and to eliminate fire or other hazards, maintain sanitary conditions, attempt to locate lost or stolen materials, and to prevent use of the locker to store prohibited or dangerous materials such as weapons, illegal drugs, or alcohol.

1. LOCKS – The school Corporation will retain access to student lockers by keeping a master list of combinations and retaining a master key to all locks. Students may not use their own locks and any unauthorized locks will be removed without notice and destroyed.
2. USE OF LOCKERS - Lockers are to be used to store school supplies and personal items necessary for use at school. Lockers shall not be used to store “contraband,” which are items that cause, or can reasonably be foreseen to cause, an interference with school purposes or school rules, such as drugs (other than medicine for which a student has a current prescription or common over the counter drugs), drug paraphernalia, beverage containing alcohol, weapon, chemical, any library book overdue or not properly checked out, unreturned gym or athletic equipment, any wet or mildewing articles or any stolen items. Students will be expected to keep their lockers in a clean and orderly manner.
3. AUTHORITY TO INSPECT - The school corporation retains the right to inspect lockers to ensure they are being maintained in accordance with the conditions of Rule #2 above. All inspections of student lockers shall be conducted by the principal of the building, or his designee, or another member of the administrative staff. The principal may give the following staff member’s authority to inspect lockers: deans, guidance counselor, teachers, athletic directors, etc.
4. INSPECTION OF INDIVIDUAL STUDENT’S LOCKERS - The inspection of a student’s locker will not be conducted unless the principal or his/her designee has a reasonable suspicion to believe that the locker contains contraband or violates any of the conditions in RULE #2. Before a particular student’s locker is inspected, the student or students, if more than one has been assigned to a locker, if present on school grounds, shall, where possible, be contacted and given the opportunity to be present during the conduct of the inspection unless circumstances require that the inspection be conducted without delay to protect the health and safety of others present on school grounds. Whenever an individual student’s locker has been inspected under this rule without the student’s presence, the principal or his/her designee shall notify the student as soon as practicable thereafter.
5. INSPECTION OF ALL LOCKERS - An inspection of all lockers in the school, or all lockers in a particular area of the school, may be conducted if the principal, superintendent, or another member of the administrative team, reasonably believes that such an inspection is necessary to prevent, impede or substantially reduce the risk of :
  - a. an interference with school purposes or an educational function;
  - b. a physical injury or illness to any person;
  - c. damage to personal or school property; or
  - d. a violation of state law or school rules.

Examples of circumstances justifying a general inspection of a number of lockers are:

- a. when the school corporation receives a bomb threat
- b. when evidence of student drug or alcohol use creates a reasonable belief of a high level of student use
- c. at the end of a grading period, and before or during school holidays, to check for missing books, library books, lab chemicals, or school equipment
- d. where student violence or threats of violence creates a reasonable belief that weapons are stored in the lockers

If a general inspection of a number of lockers is necessary, ALL lockers in the defined area will be examined. Students will not necessarily be given the opportunity to be present while a general inspection of lockers is being conducted.

6. **INVOLVEMENT OF LAW ENFORCEMENT OFFICIALS** – The principal, superintendent, or designee may request the assistance of law enforcement officials and K-9 units to assist administrators in inspecting lockers or their contents for purposes of enforcing school policies and/or state laws. Law enforcement officials and K-9 units will be used to identify substances which may be found in lockers, and/or to protect the health and safety of persons or property, such as to aid in the discovery and disarming of a bomb which may be located in lockers.
7. **LAW ENFORCEMENT OFFICIALS AND K-9 UNITS** will also conduct routing checks of all lockers. K-9 units “hitting” on a locker will cause an immediate inspection of that locker .

### **SEARCH AND SEIZURE**

- A.) As used in this section, reasonable cause for a search means circumstances, which would cause a reasonable person to believe that the search of a particular person, place, or thing will lead to the discovery of:
  1. Evidence of a violation of school rules or of student conduct standards contained in the student handbook.
  2. Anything, which because of its presence presents an immediate danger of physical harm or illness to any person
- B.) All lockers and other storage areas provided for student use on school premises remain the property of the school corporation and are provided for the use of the students, are subject to inspection, to be accessed for maintenance, and search pursuant to this section. No students shall lock or otherwise impede access to any locker or storage area except with a lock provided by or approved by the principal of the school in which the locker or

storage area is located. Unapproved locks shall be removed and destroyed.

1. The principal, or member of the administrative staff designated in writing by the principal may search a locker and its contents where the person conducting the search, or the principal (designee), has reasonable cause for a search of searched respective locker. When the locker to be searched is assigned to a particular student and that student is on the school premises at the time of the search, the student shall be notified prior to the search and given the option to be present at the search.
2. The principal, a member of the administrative staff, or a teacher may search a desk or any other storage area on school premises other than a locker when the person conducting the search has reasonable cause for a search.

C.) The principal, or another member of the administrative staff designated in writing by the principal and acting at the direction of the principal, may search the person of a student during a school activity if the principal has reasonable cause for a search of that student. Searches of the person of a student shall be limited to:

1. Searches of the pockets of the student
2. Any object in the possession of the student such as a purse or briefcase and/or
3. A pat down of the exterior of the students clothing

Searches of the person of a student which require removal of clothing other than coat or jacket shall be referred to a law enforcement officer in accordance with subsection G of this section, pat down searches and other searches of the person of a student shall be conducted in a private room with a person of the same sex as the student being searched. At least one but not more than three additional persons of the same sex as the student being searched shall witness but not participate in the search. At the request of the student to be searched, an additional person of the same sex as the student designated by the student, and then reasonably available on school premises shall witness the search. The parent or guardian of any student searched shall be notified of the search as soon as reasonably possible following the search.

D.) The privilege of bringing a student-operated motor vehicle into school premises is hereby conditioned on written consent of the student driver, the owner of the motor vehicle and the parent or guardian of the student to allow search of that motor vehicle when there is reasonable cause for a search of that motor vehicle. Refusal by a student, parent or guardian of the student, or the motor vehicle onto school premises. The principal, or a member of the administrative staff designated in writing by the principal, may request a law enforcement officer to search a motor vehicle on school premises, subject to subsection G of this section.

E.) Anything found in the course of a search conducted in accordance with this section, which is evidence of a violation of the student conduct standards contained in the student handbook, may be:

1. Seized and admitted as evidence in any suspension or expulsion proceeding if it is tagged for identification at the time it is seized and kept in a secure place by the principal or the principal's designee until it is presented at the hearing;
2. Returned to the parent or guardian of the student from whom it was seized;
3. Destroyed if it has no significant value; or
4. Turned over to any law enforcement officer in accordance with subsection G.

F.) Anything found in the course of a search conducted in accordance with this section which by its presence presents an immediate danger of physical harm or illness to any person may be seized and:

1. Returned to the parent or guardian of the student whom it was seized;
2. Destroyed; or
3. Turned over to any law enforcement officer in accordance with subsection G.

G.) The principal, or a member of the administrative staff designated in writing by the principal, may request the assistance of a law enforcement officer to:

1. Search any area of the school premises, any student, or any motor vehicle on school premises; and
2. Identify or dispose of anything found in the course of a search conducted in accordance with this section.

#### H.) Search Policy

General searches conducted by law enforcement officers and with the assistance of canines or other means may be made of lockers, storage area, classrooms, and all other school property, as well as student's persons and student's personal property, at any time, with or without notice.

If, after the general search, reasonable cause exists for search of a particular person or property, then the school administration may search the person or property in accordance with this policy. Before law enforcement may conduct a search of a student or the student's property, the principal will request that the law enforcement officer prior to the search obtain a search warrant.

*No student may bring to school, transmit in any way, possess or have possession of, or handle in any way, a firearm (as defined in I.C. 35-47-1-5) or a deadly weapon (as defined in I.C. 35-41-1-8) on school grounds, property, or at any school event, activity, or function at any time.*

## **USE OF METAL DETECTORS**

### **Reasonable Suspicion**

When the school administration has reasonable suspicion to believe that weapons are in the possession of an identified student, the administration is authorized to use a mobile metal detector to search the student. Any search of a student's person as a result of the activation of the detector will be conducted in private and in accordance with the policy on personal searches. Only school personnel who have been trained in the usage of metal detectors, law enforcement officers assigned to the school corporation, or school resource officers shall operate the metal detectors under the direction of the administration.

### **Administrative Search**

In view of the escalating school violence, the potential presence of weapons in our schools, and the school corporation's duty to maintain a safe learning environment, the Board of School Trustees authorizes the use of metal detectors to check a student's person or personal effects. Only school personnel who have been trained in the usage of metal detectors, law enforcement officers assigned to the school corporation, or school resource officers shall operate the metal detectors under the direction of the administration.

School officials or law enforcement officers may conduct metal detector checks of groups of individuals if the checks are done in a minimally-intrusive, nondiscriminatory manner. Metal detector checks of groups of individuals may not be used to single out a particular individual or category of individuals.

If a school official or a law enforcement officer has reasonable suspicion to believe that a particular student is in possession of an illegal or unauthorized metal-containing object or weapon, he or she may conduct a metal detector check of the student's person and personal effects.

Notice of the Board policy and procedures on the use of metal detectors will be sent to parents and students and posted on the websites of the school corporation and of each middle and high school.



The Superintendent shall develop procedures for implementing this policy. The metal detector checks will be done only in accordance with the provisions of the Board policy and procedures by school personnel or law enforcement officers under the supervision of the school administrator.

## **USE OF METAL DETECTORS -- PROCEDURES**

The following procedures for the use of metal detectors in the schools are developed pursuant to Board policy on the Use of Metal Detectors. The Superintendent may modify or expand these procedures in any manner consistent with the Board's policy.

A notice will be posted in a central location at each **middle and high school** stating that weapons are not permitted at school and that students may be required to submit to a metal detector check. In addition, the metal detector policy and these procedures will be included in the student handbooks for each **middle and high school**. Notice of the Board policy and procedures on the use of metal detectors will be sent to parents and students of each **middle and high school** on a regular basis throughout the school year. A notice must be sent out before the beginning of school and at least once per semester during the school year. The superintendent will determine the specific dates when the notice will be sent out throughout the school year.

### **Metal Detector Random Checks**

- A. A principal may decide to conduct a random metal detector check on all students before entering the school at the beginning of the school day, or he or she may select a group of students to be checked at random on a neutral, nondiscriminatory basis. The group selected for a random check may be a classroom(s), a bus(es), or any other group of students determined by the principal in accordance with these procedures and board policy. Metal detector checks of groups of individuals may not be used to single out a particular individual or category of individuals.
- B. Before conducting the metal detector checks, the participating administrator or **School Resource Officer** ("SRO") will explain the scanning process to students, emphasizing that the checks are intended to maintain safe schools.
- C. An administrator or SRO will escort each student with his or her personal effects into a designated area to proceed with the metal detector check. An adult will closely observe students to make sure no objects are removed from pockets or personal effects.
- D. The administrator or SRO will ask the student to remove all metal-containing objects from his or her clothing and personal effects. The administrator or SRO will then scan the student without touching his or her body and scan the outside of the student's personal effects. The metal detector scan of the student's person

will be done by an adult who is the same sex as the student. If the student refuses to cooperate, the administrator or SRO may proceed with the check in the presence of another adult.

- E. If the metal detector is activated during the scanning of the student's effects, the administrator or SRO will ask the student to open the bag, purse, etc., and the Administrator or SRO will proceed to look for weapons. If the metal detector is activated during the scanning of the student's person, the student will be given a second opportunity to remove any metal-containing object from his person. A second scan will be conducted and if the metal detector is activated again, an administrator or SRO of the same sex will conduct a pat-down search of the student's outer clothing in the area where the metal detector was activated. The pat-down search will be done in a private room or area and in the presence of an adult witness, when feasible. If the administrator or SRO feels an object on the student's person, the student will be given an opportunity to remove the object. If he or she refuses, the administrator or SRO will remove the object from the student in the presence of an adult witness of the same sex.

### **Metal Detector Checks of Individual Students**

Before conducting a metal detector check of an individual student, the administrator or SRO must have individualized reasonable suspicion that the student is in possession of an illegal or unauthorized metal-containing object or weapon. The provisions of the Board Policy regarding personal searches and the use of metal detectors shall be followed under these circumstances.

If a properly conducted search yields a weapon or any other illegal material, it shall be turned over to the proper legal authorities for disposition.