



# KENAI PENINSULA BOROUGH SCHOOL DISTRICT

## Assistant Superintendent

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TO: Board of Education  
FROM: Dave Jones, Assistant Superintendent  
SUBJECT: Proposed Policy Revisions

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The following policies were reviewed by the Board Policy Committee on January 11, 2010 and are scheduled to be reviewed by the Board at both a Worksession and for first reading at the Board Meeting on February 1, 2010.

The administration recommends making the following changes to policy:

*BP 3270 Disposal of Books, Equipment and Supplies* – Modified to allow Borough Mayor to approve exceptions to the disposal of unused personal property via transfer to the Borough for disposal.

*BP 5145.12 Search and Seizure* – To simplify searching a student's possessions by school officials this has been modified from "will seek" to "may seek" consent of the student. This would apply to incidents (such as drugs, weapons) which need to be handled immediately by the principal. This change has been approved by the attorney.

**DISPOSAL OF BOOKS, EQUIPMENT AND SUPPLIES  
(PERSONAL PROPERTY)**

The School Board recognizes that the District may own personal property which is unusable, obsolete, or no longer needed by the District and that the disposal of such property may be in the best interests of the District. A listing of all items offered for auction will be made available to the principals prior to the date of sale.

The Superintendent shall transfer personal property which is unusable, obsolete, or no longer needed, to the Kenai Peninsula Borough for disposal.  
[Exceptions shall be approved by the Borough Mayor.](#)

*(cf. 3440- Inventories)*

**SEARCH AND SEIZURE**

The School Board is committed to maintaining an environment for students and staff which is safe and conducive to learning and working. The Board recognizes that incidents may occur where the health, safety and welfare of students and staff are jeopardized and which necessitate the search and seizure of students, their property or their lockers by school officials.

*(cf. 5145.11 - Questioning and Apprehension)*

The Board authorizes school officials to conduct searches of students, vehicles on school grounds owned or controlled by students, and other property owned or controlled by students when there are reasonable grounds or suspicion that the search will uncover evidence that the student is violating the law or the rules of the District or the school. The search shall be reasonably related in its scope to the circumstances which gave rise to the search. Items which are discovered as a result of authorized searches and found to be in violation of school policy may be subject to seizure by school officials and may also result in disciplinary action.

In determining whether reasonable cause for a search exists, school officials shall consider:

1. The student's age and previous behavior patterns.
2. The prevalence and seriousness in the school of the problem to which the search was directed.
3. The urgency requiring the search without delay.
4. The apparent value and reliability of the information used as a justification for the search.
5. The location of the student at the time of the incident which gave rise to reasonable suspicion.

The Board urges that discretion, good judgment and common sense be exercised in all cases of search and seizure. Before searching a student's possessions, school officials ~~will~~may seek, but need not receive, the freely offered consent of the student. Regardless of whether the student consents to a search, the student shall cooperate with school officials conducting a reasonable search and seizure authorized by this policy. Whenever reasonably possible, a search of a student's person shall be conducted in the presence of the student's parent/guardian, a staff member, and/or the Principal. The parent/guardian of the student being searched shall be notified by the school official as soon after the search as possible.

**SEARCH AND SEIZURE (continued)**

A student's knowing refusal to cooperate with a search authorized by this policy shall result in a suspension of up to 45 days, and may result in a recommendation for expulsion to the School Board. The length of any such suspension must be reasonable: it must be related to the reasonableness of the student's conduct and the severity of the suspected violation. Prior to any such suspension or expulsion, the school administration must provide notice of this policy to the student. Evidence that written copies of this policy were distributed to all registered students before the incident shall create the presumption that the student had such notice. Written copies of this policy will be distributed to all registered students.

**Student Lockers**

Because lockers are under the joint control of the student and the District, school officials shall have the right and ability to open and inspect any school locker without student permission when they have reasonable suspicion that the search will disclose evidence of illegal possessions or activity or when odors, smoke, fire and/or other threats to student health, welfare or safety emanate from the locker.

For health and safety reasons, a general inspection of school properties such as lockers and desks may be conducted on a regular basis. Any items contained in a locker shall be considered to be the property of the student to whom the locker was assigned.

Notice of this entire policy shall be given to all students when lockers are assigned.

*(cf. 5131.6 – Alcohol and other Drugs)*  
*(cf. 5131.7 - Weapons and Dangerous Instruments)*

*Legal Reference:*

ALASKA STATUTES  
4 AAC 07.010 - 4 AAC 07.900 Student rights and responsibilities  
New Jersey v. T.L.O., 469 U.S. 325 (1985)