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## CAMPUS SEARCH AND SEIZURE

The Board of Directors of the Capital College & Career Academy (“CCCA” or the “Charter School”) recognizes and has determined that the occurrence of incidents which may include the possession of firearms, weapons, alcohol, controlled substances, or other items of contraband prohibited by law or CCCA rules and regulations, jeopardizes the health, safety and welfare of students and CCCA employees.

### Definitions

**“Reasonable Suspicion”** means a sufficient probability that the search will reveal evidence the student has violated or is violating the law or CCCA rules and regulations. Certainty is not required. Articulate facts must support a school official’s reasonable suspicion that a search is justified. In no case shall a search be conducted if predicated on more curiosity, rumor or hunch.

**A “Violation of either law or CCCA rules and regulation”** includes, but is not limited to, possession of illegal, unauthorized or contraband materials, illegal, unauthorized or contraband materials. Illegal, unauthorized or contraband materials include those materials which are dangerous to the health or safety of students or school personnel, are disruptive or potentially disruptive, or which have been cited as unauthorized in CCCA rules or regulations.

**“Personal electronic device”** means a device that stores, generates, or transmits information in electronic form, and is not owned or otherwise loaned to the student by CCCA.

**“Electronic communication”** means the transfer of signs, signals, writings, images, sounds, data or intelligence of any nature in whole or in part by a wire, radio, electromagnet, photoelectric or photo-optical system.

**“Electronic communication information”** means any information about an electronic communication or the use of an electronic communication service, including, but not limited to contents, sender, recipients, format, or location of the sender or recipients at any point during the communication, the time or date the communication was created, sent, or received, or any information pertaining to any individual or **personal device** participation in the communication, including, but not limited to, an IP address.

## **Notice**

A summary of this Policy shall be placed in the Student Parent Handbook and other materials, as appropriate, to be disseminated by CCCA to students, parents, and/or guardians and CCCA employees.

## **Students Searches- Generally**

A CCCA official (e.g., administrator, employee, teacher, etc.,) may conduct a reasonable search of a student's person and/or personal effects (e.g., backpack, purse, etc.) if a school has reasonable suspicion that the student is engaged in or has engaged in illegal activity or a violation of CCCA rules and regulations. Whether a search is reasonable depends on the context within which a search takes place. The CCCA official must assess the reliability of the student or person providing the information, the degree of danger to others, and immediacy of the need for a search.

The search of a student and/or of their personal effects must be:

- **Justified at its Inception:** There are reasonable grounds for suspecting the search will turn up evidence that the student has violated or has violated the law or CCCA rules. Articulable facts must support a CCCA official's reasonable suspicion that a search is justified. In no case shall or search be conducted if predicated on mere curiosity, rumor, or hunch; and
- **Reasonable in Scope:** The measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

## **Searches of Private Electronic Devices**

A student's personal cell phone, smartphone, or other personal electronic device shall not be searched by CCCA officials without a warrant, the student's consent, or legitimate emergency, unless the device is lost or abandoned. An emergency is a situation involving danger or death or serious physical injury to any person, that requires access to the information located or reasonably believed to be located on the electronic device. If CCCA has a good faith belief that the device is lost, stolen, or abandoned, CCCA may only access the electronic device information in order to attempt to identify, verify, or contact the owner of the device.

Nothing in this Policy prohibits CCCA from seizing/confiscating a student's personal electronic device, without searching its contents, if the student's use or possession of the private electronic device is in violation of CCCA's rules or regulations.

### **Required Conduct of Searches**

Additionally, any search of a student and/or of their personal effects shall be:

- Conducted in the presence of at least one (1) other adult witness, whenever possible;
- Conducted out of presence of other students to maintain student confidentiality;
- Conducted in a manner that does not involve:
  - Conducting a body cavity search of a student manually or with an instrument; or
  - Removing or arranging any or all of the clothing of a student to permit visual inspection of the underclothing, breast, buttocks, or genitalia of the student.
- Documented by keeping a log of the search methods as well as a written description and/or pictures of any prohibited or illegal items ultimately seized as a result of the search. These logs will be kept on file at the school campus.

### **Student Use Areas**

Student use areas, including, but limited to, instructional and recreational space, are considered CCCA property and remain at all times under the control of CCCA. Periodic general inspections of instructional space and other areas of the school may be conducted by CCCA officials for any reason at any time without notice.

### **Lockers**

Student lockers, including P.E. lockers, are school property and remain at all times under the control of CCCA. Students shall assume full responsibility for the security of their lockers. Student lockers may not be used to store illegal, unauthorized, or contraband materials.

### **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 during a search, including but now limited to searches conducted by CCCA officials, CCCA may impose discipline upon student (s) (including suspension and/or expulsion) in accordance with

CCCA's discipline policies and procedures. CCCA may notify law enforcement authorities if any search and/or seizure results in discovery of illegal contraband.

### **Video Surveillance and Other Recording Devices**

CCCA may utilize video surveillance devices in all common areas of the school campus including, but not limited to, outdoor spaces, entrances and exits, parking lots, stairwells, hallways, classrooms, the office, and any other commonly used spaces. CCCA shall not utilize video surveillance devices in private spaces such as a restroom or locker room. CCCA's intent and purpose in utilizing video surveillance devices is to ensure that all student and staff health, welfare, and safety in order to maintain safe and orderly conduct throughout the day.

CCCA shall not use audio recording where there is an expectation of privacy without prior consent of all parties subject to recording. Students, staff, parents, and other members of the public are similarly prohibited from audio recording on the CCCA campus without prior consent. This policy does not prohibit CCCA from recording classes as needed for student achievement nor any other permissible audio recording by CCCA otherwise under the law.

Video Surveillance recordings are not considered student education records unless the recording is maintained and (1) intended for use in a disciplinary action or proceeding, (2) depicts an activity that shows a student violating the law, (3) shows a student getting injured, attacked, victimized, ill, or having a health emergency, (4) contains personally identifiable information from a student's educational record. A video surveillance recording is not considered a student record when the student's image is accidental to the activity shown in the recording or when the student is participating in a public activity.

CCCA shall comply with all state and federal law regarding access to, review, and disclosure of student records, including Family Education Rights and Privacy Act ("FERPA"). This includes compliance with lawful requests under the California Public Records Act, from law enforcement, and other appropriate agencies. CCCA will evaluate the legality of any requests in advance of disclosure and will comply with all notice requirements under FERPA.