

**AMEND BOARD REPORT 99-0526-PO2, POLICY ON PROCEDURES FOR SEARCH,
SEIZURE AND THE USE OF METAL DETECTORS AT SCHOOL FACILITIES**

THE CHIEF EXECUTIVE OFFICER RECOMMENDS THE FOLLOWING:

That the Chicago Board of Education amend Board Report 99-0526-PO12, which established a policy on procedures for search, seizure and the use of metal detectors at school facilities by adding language to clarify the procedures for searching individual students and students' personal belongings. Language has also been added that outlines the procedures for conducting searches of less than the entire student population at a school facility or less than the entire population in attendance at any school sponsored event. A copy of the Policy on Procedures for Search, Seizure and the Use of Metal Detectors at School Facilities is on file in the Office of the Board. These changes shall be effective April 1, 2002:

DESCRIPTION AND SUMMARY OF CHANGES:

Introduction

A definition of the term "metal detector activation" has been added to the introductory section of the policy.

Language has been added to indicate that when school officials are unsure of the type of search to be conducted, the Law Department should be contacted.

Language has been added to indicate the disciplinary actions that may be imposed upon any board employee who violates this policy.

I. Individualized Student Searches

Language indicating that lockers and desks of individual students may be searched has been stricken and added to the section pertaining to Desk and Locker Searches.

Language has been added to clarify that school officials may not search students' personal belongings, unless the officials have a reasonable suspicion that such a search will produce evidence of wrongdoing.

Language has been added to clarify what items of clothing school officials are permitted to have students remove in the event a more thorough search is necessary. Included in this language is a provision that makes it necessary for school officials to contact the Law Department in the event items of clothing other than those listed need to be removed.

Language has been added to indicate that a school official should be present during all searches.

Language regarding the use of hand-held and walk-through metal detectors has been stricken because it is extraneous.

Language has been added to indicate that a misconduct report must be completed and distributed to the legal guardians of those students who are found in possession of contraband.

Language indicating that the student's parent or guardian must be informed when the student is searched was stricken for lack of a legal basis for this provision. Additionally, we search thousands of students on a daily basis, and it would be impractical to inform every parent each time a student was searched.

II. Desk or Locker Searches

Language has been added to clarify that student's personal belongings inside of desks and lockers should not be searched unless school officials have a reasonable suspicion that such a search will produce evidence that the particular student was engaged in impermissible conduct.

III. Metal Detector Searches

Language has been added to indicate that school officials may use x-ray machines and hand-held metal detectors to scan student's personal belongings

A. Random Screenings

A definition of "random screenings" as well as a statement that indicates why such screenings are considered necessary has been added.

Language that makes it necessary for the LSC chairperson to approve random metal detector screenings has been stricken.

IV. General Guidelines

Language has been added to indicate that students' personal belongings may only be subjected to physical search in the event the screening process provides school officials with a reasonable suspicion that such a search will provide them with evidence of wrongdoing.

Language has been added to clarify the procedures for searching a student who has caused the metal detector to react.

V. Guidelines for Searches of Less Than the Entire Student Body

The law regarding searching students in school facilities is constantly evolving. The current Policy on Search, Seizure and the Use of Metal Detectors require that all students in all school facilities must be searched during metal detector sweeps. The search procedures described in Section V will allow schools to search less than the entire student body. This entire section has been added in response to concerns that conducting searches of the entire student body is impractical in a school district as large as the Chicago Public School district.

A. Randomizing Process

This section outlines the procedures whereby the Office of Technology Services will assign a different random number to each school in the Chicago Public Schools system on a daily basis. This section also indicates how this number is to be utilized for conducting student searches.

Language has also been added to indicate that students' personal belongings should not be physically examined unless the metal detector is activated.

B. School Sponsored Events

This section has been added to outline the procedures that principals are to follow to conduct searches of less than the entire population in attendance at school sponsored extra-curricular events.

TEXT OF POLICY:**INTRODUCTION**

The Board recognizes that the educational environment of the schools is an important factor in student's ability to learn. Unfortunately, weapons and drugs in the schools, on school grounds and in the surrounding neighborhoods have long been a danger to that environment, and learning has suffered in their wake. Through this policy, it is the hope and desire of the Board to foster a proper educational environment for all students and to help promote the safety and welfare of students, staff and visitors alike by authorizing school officials to conduct searches of students and their personal effects, to conduct metal-detector screenings of students, to search and inspect property owned or leased by the Board, including but not limited to the desks and lockers assigned to students, and to seize any contraband that is revealed through such searches.

As used in this policy:

The term "school officials" means the principals of schools and the security personnel employed by the Board of Education's Bureau of Safety and Security, as well as any assistant principal(s), disciplinarian(s), teacher(s) and school security supervisor(s) who are designated by a school principal to assist in the search procedures authorized by this policy. This term does not include Local School Council (LSC) officers or members (other than the school principal and any teacher(s) designated by the principal) and does not include volunteers, and this policy does not authorize any such LSC officers or members or any volunteers to conduct searches.

The term "Contraband" means weapons, illegal drugs, electronic paging devices, and any other item that students are banned from possessing by any applicable State or Federal law, City Ordinance, Rules of the Board of Education, or an individual school's written rules and policies.

"Metal detector activation" occurs when a walk-through or hand-held metal detecting device responds, by alarm or other signal, when such devices are set to a level determined by the Office of Safety and Security.

The Fourth Amendment of the United States Constitution prohibits unreasonable searches and seizures. While students attending the Chicago Public Schools clearly are protected by the Fourth Amendment (through the Fourteenth Amendment), the school setting has been recognized as special, and school officials are granted a broader range of powers in maintaining a safe and orderly environment than that which is applicable to society generally. The reasonableness of any search depends on the context within which the search takes place, balancing the need for the search against the intrusion that it entails. There are several different ~~sorts~~ types of "S searches" that may arise in the school setting, and each type involves different underlying educational and safety needs, privacy concerns, and standards of reasonableness. The intrusiveness of any search must be reasonably related to the scope of search necessitated by these factors. The general types of searches and/or seizures authorized by this policy and the guidelines applicable to each type of search and/or seizure are described below.

If there is any doubt as to whether a particular search or seizure should be conducted, the school official should contact the ~~Director of the Bureau of Safety and Security~~ Law Department before proceeding. Any ~~person~~ Board employee who violates this policy may be subjected to ~~disciplinary measures~~ discipline, up to and including discharge.

I. Individualized student searches.

School officials are authorized to search individual students and their personal effects (including but not limited to clothing, backpacks, book bags, purses, vehicles parked on property owned or leased by the Board of Education, ~~lockers and desks assigned to individual students~~, and similar items), when ~~there are reasonable grounds for suspecting that a search~~ the school official has a reasonable suspicion that such a search will reveal evidence that the student has contraband in his or her possession. "Reasonable suspicion" may be based on direct observations of the student by school officials (such as seeing a gun-shaped bulge

in clothing, hearing the sound of a pager, or smelling the aroma of marijuana, ~~or encountering a school-age person in the school without proper identification~~) or on information provided to them by others (including school students and staff) indicating that the student has contraband in his or her possession. However, neither a mere hunch nor a generalized suspicion is a sufficient basis for searching a student. The school official must be able to articulate an objective basis for his or her "reasonable suspicion" before conducting a search of an individual student. In connection with metal detector searches, due to the limitations discussed above, students' personal items or belongings (e.g., outerwear, bookbags) may be subjected to physical examination only when the screening process indicates the presence of a metal object therein. After a school official has determined that a student should be searched for contraband based upon a reasonable suspicion, the following guidelines apply:

An individualized search should be no more intrusive than is necessary. If the school official reasonably suspects that a student has a weapon in his or her possession, a simple "pat-down" search should be adequate; if there is reason to suspect that a student has drugs on his or her person, the search necessitated by such suspicion may require a more thorough pat-down, or the emptying of pockets and the removal of ~~some clothing~~ coats, jackets, shoes, and/or socks. If the school officials conducting the search determine removal of any other items of clothing is necessary in order to facilitate a more thorough search, the school officials should contact the Law Department before proceeding with such a search. Under no circumstances are school officials authorized by this policy to conduct body-cavity searches.

Except in extraordinarily urgent circumstances, individualized searches may be conducted only by a school official of the same sex as the student being searched, in the presence of another same-sex school official, acting as a witness outside the view of any person not directly involved in the search.

Whenever possible, the search should be conducted by a sworn law enforcement officer, such as a Chicago Police Officer of the School Patrol Unit (either assigned to the school or "roving") or an off-duty Chicago Police Officer or Cook County Sheriff's Department Officer employed by the Board as a School Security Supervisor, at the request of or in conjunction with school officials. Law enforcement officers are trained in proper search techniques, and know how to search for contraband in a manner that minimizes the possibility of injury. A school official should be present during all searches.

~~Hand-held or walk-through metal detectors may be used to search for weapons if available.~~

~~If contraband is recovered, a Misconduct Report must be prepared and processed through the Bureau of Safety and Security.~~ School officials shall assist law enforcement officials, including the Chicago Police Department and the Cook County State's Attorney, in the prosecution of any person found with contraband in school or on school property.

~~Following a search, the student's parent or guardian should be notified by the principal that their child was searched and the reason(s) for the search.~~ If a student is found to be in possession of contraband, consistent with the Uniform Discipline Code, a Misconduct Report must be prepared. A copy of the Report must be given to the student's parent(s) or legal guardian(s).

Please refer to the Uniform Code of Discipline to determine the appropriate disciplinary measures to be taken against a student found in possession of contraband.

II. Desk or locker searches.

Desks and lockers are the property of the Board, not the student who is permitted to use them during school hours, and remain at all times under the control of the Board. However, students are expected to assume full responsibility for the security of the locker and/or desk assigned to them. "Mass" locker and/or desk searches (any search of multiple lockers or desks not based on individualized suspicion, i.e., searching banks of lockers or all the desks in a particular classroom or on a particular floor of a school) and individual locker and/or desk searches may be conducted by school officials at any time for any reason, without notice, without student consent, and without a search warrant. However, the students' personal items within the desk or locker, such as purses, bookbags and jackets, may not be searched without individualized suspicion reasonable suspicion that a search of such items will turn up evidence of wrongdoing on the part of an individual student. see section I, above, for guidelines.

Guidelines for individual or mass locker and desk searches:

--Locker and desk searches are best performed when no students are present, such as before school is opened, after school or on weekends.

--Locker and desk searches may include the use of trained dogs.

--Students should be advised through Student Handbooks or by other written materials provided to them that "their" lockers and/or desks are subject to search at any time.

--Locker and desk searches may be conducted by school officials, with or without the assistance of personnel of the Bureau of Safety and Security and/or Chicago Police Department Officers.

III. Metal Detector Screenings.

Most of the high schools and several other schools in the Chicago Public School system are equipped with walk-through metal detectors, and several more schools have hand-held "wand" metal detectors, either in addition to or in lieu of walk-through units. Also, the Board's Bureau of Safety and Security has portable walk-through units that are available for use in the schools on request (subject to certain limitations and restrictions including availability). Additionally, school officials may utilize x-ray machines and hand-held metal detectors to search students' bookbags, purses and other personal belongings. For purposes of this Policy, a "metal-detector screening" means the use of metal detectors (walk-through units or hand-held "wand" units) on the students entering a school facility or their belongings on a given date. There are three types of metal-detector screenings authorized by this Policy:

1- A. Random Screenings: Random metal-detector screenings are an effective and necessary means of detecting and deterring the possession of weapons, and preventing its consequences, principally student violence, from occurring on school premises. Random screenings are screenings that are not conducted on a regularly scheduled basis, and are not necessitated by particularized safety concerns or special events. The Board's Chief Executive Officer, General Superintendent or his/her designee or school officials may authorize metal-detector screenings on randomly chosen days during a specified period of the day, using school personnel (and if available, School Patrol Unit Police Officers assigned to the school and/or "roving" units) to operate the metal detectors available to their school (any combination of walk-through units and/or hand-held wands), or using a task force comprised of school personnel, Safety and Security personnel, and Chicago Police Department Officers (School Patrol Unit and/or other units as needed) to operate the school's metal detectors or the portable metal detectors and x-ray units available on request through the Bureau of

Safety and Security. Because of their limited availability, the portable metal detectors and x-ray units of the Bureau of Safety and Security may only be scheduled for use in random screenings at the request of the Board's Chief Executive Officer, General Superintendent or his/her designee or the school's principal or LSC chairperson to the Bureau of Safety and Security; the screening will be scheduled for a mutually agreed upon date and time as soon as practicable. ~~For random screenings that use only school personnel (and School Patrol Unit Police Officers if available), the school's principal and LSC chair should agree on the day and time for such screening.~~

2. B. "As Needed" Screenings: The Board's Chief Executive Officer, General Superintendent or his/her designee or school officials may authorize metal-detector screenings on days chosen to address particular safety concerns (such as recent violence in the neighborhood) or on days on which special events (such as intermural athletic competitions or dignitary's visits) are held, using school personnel (and if available, School Patrol Unit Police Officers assigned to the school and/or Roving units) to operate the metal detectors available to their school (any combination of walk-through units and/or hand-held ~~W~~ wands), or using a task force comprised of school personnel, Safety and Security personnel, and Chicago Police Department Officers (School Patrol Unit and/or other units as needed) to operate the school's metal detectors or the portable metal detectors and x-ray units available on request through the Bureau of Safety and Security. **Because of their limited availability, the portable metal detectors and x-ray units of the Bureau of Safety and Security may only be scheduled for use to in "As nNeeded" screenings at the request of the school's principal and LSC chairperson to the Bureau of Safety and Security;** the Bureau of Safety and Security will use its best efforts to accommodate "As n Needed" screenings. "As nNeeded" screenings that use only school personnel (and School Patrol Unit Police Officers, if available), may be scheduled by the school's principal on the days on which special events are scheduled or on days chosen to address a particular safety concern.

3. C. Daily Screenings: The Board's Chief Executive Officer, General Superintendent ~~of~~ or his/her designee or school officials may authorize daily metal-detector screenings, using school personnel (and if available, School Patrol Unit Police Officers assigned to the school) to operate the metal detectors available to their school (any combination of walk-through units and/or hand-held ~~W~~ wands), when the Board's Chief Executive Officer, General Superintendent or designee or the school's principal determines that the school requires such daily screenings. Where a principal determines that daily screenings are necessary, s/he shall obtain the approval of the Local School Council to conduct such screenings by a majority vote.

IV. General Guidelines

The following guidelines apply to all metal-detector screenings unless otherwise noted:

All schools with permanently installed walk-through metal detectors, whether used randomly or daily, must post a sign outside the entrance to be used for metal-detector screenings stating: "Any person entering this building may be subject to search." Schools should also include information about ~~its~~ their metal-detector programs in their Student Handbook, if any, distributed to students at the beginning of each year or term. Separate lines should be available for male and female students to be screened either by ~~to pass through passing through~~ walk-through units ~~(or to be screened by being scanned with hand-held wands)~~; male school staff should be assigned to monitor the line for male students, and female school staff should be assigned to monitor the line for female students.

There should be adequate space near the metal detectors to maintain order among the students waiting to be screened, but the area should be arranged in a way that prevents students from bypassing the search procedure.

All entrances not used for the metal-detector screenings should be locked so as to prevent entry from the outside, but must remain operable from the inside to comply with the Fire Code. If feasible, school personnel should be posted near locked doors to prevent ~~S~~ screened students from assisting others in circumventing the screening process.

Tables must be placed adjacent to walk-through metal detectors, and shall have ample ~~trays~~ containers to accommodate the personal metal possessions of students passing through the detector.

Prior to a student's passage through a walk-through metal detector, he or she shall be instructed to place any metal items in their possession into a tray container, and to place any other personal items (coats, backpacks, purses, etc.) on the table for scanning with a hand-held wand ~~or physical inspection~~. The personal items may be subjected to physical examination only when the screening process or other basis for reasonable suspicion indicate the presence of a metal object, or contraband therein.

If the alarm sounds when a student passes through the metal detector or when the ~~W~~wand is passed along the student's body, ~~the student should be asked to remove whatever metal is causing the alarm and then retested. If the alarm sounds again, the student should be escorted by school officials to a place of privacy and patted down and retested with the hand-held wand.~~ If the alarm sounds again, the student should be escorted to a place of privacy where a more thorough search of his person may be conducted. If questions arise as to the type of search that the school officials should conduct, the school officials must contact the Law Department. Under no circumstances, may a body cavity search be conducted. If a weapon is discovered, the Chicago Police Department must be notified immediately, and the weapon must be held by the school official who discovers it until the law enforcement officials arrive at the scene.

V. Guidelines for Searches of Less Than the Entire Student Body

The Office of Technology Services (OTS), in conjunction with principals (or designated school officials) are authorized to employ the procedures set forth below in determining which students will be subjected to metal detector screenings.

A. Randomizing Process

1. The OTS will create and maintain a program to randomly assign schools numbers for determining which students will be searched.
2. Each morning, OTS will make available to each principal (or principal's designee) a number that was randomly assigned by the computer system. The number will indicate the position in line of the student to be searched (i.e. a number 5 indicates every 5th student should be searched). If the principal (or designee) decides to conduct a search of less than the entire student body, THIS NUMBER IS THE ONLY NUMBER WHICH SHOULD BE USED TO DETERMINE WHICH STUDENTS ARE TO BE SUBJECT TO SEARCH.
3. If the principal (or designee) does not intend to utilize the assigned number, but still plans to conduct a metal detector search, the school officials conducting the search MUST SEARCH ALL STUDENTS.

4. If the principal, or his designee elects to conduct a search, he or she must indicate on the computer screen that the school personnel will:
 - i. Utilize the random number assigned by the software system,
 - ii. Conduct a search of all students, OR
 - iii. Not be conducting a search of students
5. Schools with walk-through metal detectors:
 - a. Students should be asked to line up as if they were going to pass through the metal detectors.
 - b. The officials conducting the search should only allow the students whose position in line corresponds to the number assigned by OTS to pass through the detectors. (For example, if the number 6 is assigned, the first 5 students should be excused and every sixth student should walk through the metal detector.)
6. Schools that do not have walk-through metal detectors:
 - a. School officials conducting the search should ask students to form two single file lines, one for boys and one for girls.
 - b. The officials conducting the search should only search those students whose position in line corresponds to the number drawn.
 - c. These searches should be conducted with a hand-held scanning device, (or portable walk through metal detector if one has been provided by the Office of Safety and Security.)
7. If the school offers any programs that begin before the start of the regular school day (i.e. athletic programs, school breakfast, school sponsored club meetings, etc.), and the principal (or principal's designee) elects to conduct a search of less than all of the students who attend such programs, the school officials should use the number indicated for searching students during the regular school day.
8. All designated students must empty their pockets and remove any and all metal objects from their persons and their bookbags before proceeding through the metal detector. The student and his personal belongings should only be subject to physical inspection in the event the metal detector is activated.

B. School Sponsored Events

Each day, OTS will generate an additional random number for use by principals (or designated school officials) who desire to conduct a search of less than the entire population in attendance at a school sponsored extra-curricular event (i.e. sporting events, dances, etc.). If the principal (or designee) wishes to conduct such a search, the principal (or designee) shall use this number to determine the position in line of the persons to be subject to search. The principal (or designee) DOES NOT have to record on the computer system whether or not this number will be utilized.

This Policy shall take effect immediately upon adoption. Policy Nos. 92-0923-PO1 and 88-0228-PO2 are hereby rescinded upon adoption of this Policy.

Amends/Rescinds: Rescinds 92-0923-PO1 and 88-0228-PO2, Amends 96-0522-PO1 and 99-0526-PO12.

Cross References: None.

Legal References: 105 ILCS 5/10-22.6 et seq.; New Jersey v. TLO, 469 U.S. 325 (1985); Michigan Department of State Police v. Sitz, 496 U.S. 444 (1990); People v. Bartley, 109 Ill. 2d 273 (1985); People v. Pruitt, 278 Ill. App. 3d (1996).

LSC REVIEW: Not applicable.

AFFIRMATIVE ACTION STATUS: Not applicable.

FINANCIAL: None.

PERSONNEL IMPLICATIONS: None

Approved for Consideration:



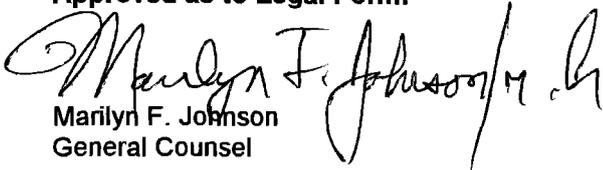
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