

VENTURA COUNTY BOARD OF EDUCATION

BOARD POLICY NO. 5145

ADOPTED: 2/24/97

CLASSIFICATION: Students

REVISED: 09/28/09

SUBJECT: Rights and Responsibilities of Students

SEARCH AND SEIZURE

The Superintendent and the Board recognize that incidents may occur where the health, safety and welfare of students and staff are jeopardized and which necessitate the search of students and/or the seizure of their property by Office officials.

The Board and the Superintendent authorize program administrators to conduct searches 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 Office or program unit. The Superintendent and the Board urge that discretion, good judgment, and common sense be exercised in all cases of search and seizure. Searches shall be made in the presence of at least one other employee of the Superintendent. Employees shall not conduct strip searches or body cavity searches.

In determining whether reasonable suspicion for a search exists, program administrators shall consider:

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

The program administrator shall notify the parent/guardian of the student being searched as soon after the search as is reasonably possible.

K-9 SEARCHES

In an effort to keep the schools free of drugs, firearms, and explosives, the Office may use specially trained non-aggressive dogs to sniff out and alert staff to the presence of substances prohibited by law or district policy. The dogs may sniff the air around lockers, desks, bags, items or vehicles on Office property or at Office-sponsored events as long as they are not allowed to sniff within the close proximity of any students.

The above inspections shall be unannounced and may be made at the discretion of the Superintendent or designee.

Students and parents/guardians shall be informed of this policy at the beginning of each school year.

SRO/PROBATION OFFICERS

In conjunction with local law enforcement agencies, Gateway Community School may house a school resource officer and/or probation officer(s) for the purposes of: campus security, intervention for crime offenses, and education of students.

STUDENT PHOTOGRAPHS

The Superintendent and the Board intend to protect students from exploitation and to respect a student's right to privacy. Therefore, taking photographs of students is limited to school or program use. Photographs of any student under eighteen (18) years of age, or any special education student regardless of their age, may not be taken without prior written consent of the parent/guardian. The Superintendent shall assign responsibility for protecting students from being photographed without proper authorization to the site administrator. The Superintendent also prohibits employees from photographing students without consent for publication or commercial use.

FREEDOM OF SPEECH/EXPRESSION

The Superintendent and the Board recognize the right of the individual student to exercise freedom of expression, however, the establishment of a public educational program requires the formation of rules and regulations to maintain an orderly process of learning with standards of student conduct and language appropriate to an academic environment.

The Superintendent and the Board direct that students shall have the right to exercise freedom of speech and of the press. The Superintendent and the Board authorize students to use bulletin boards, to distribute printed materials or petitions, to wear buttons, badges, or other insignia and to freely express opinions in official publications. Students shall be prohibited expression which is obscene, libelous, or slanderous.

Also prohibited shall be material which so incites students as to create a clear and present danger of the commission of unlawful acts on school premises or the violation of lawful school regulations or the substantial disruption of the orderly operation of the school or program operated by the Superintendent .

NOTIFICATIONS TO PARENTS/GUARDIANS AND STUDENTS REQUIRED BY LAW

The Superintendent and the Board recognize the importance of communication between the home and school. The Superintendent and the Board direct that students and parents/guardians shall be sent all notifications required by law, including notifications about their legal rights. The list of mandatory notifications is summarized by the Office and updated annually by that Office. The Superintendent and the Board direct that program administrators of schools and programs operated by the Superintendent shall distribute annually to the parent/guardian of all minor students a written notice regarding the rights and responsibilities of the parent/guardian.

The Superintendent and the Board desire that, insofar as practicable, notifications shall be written in the student's home language. Whenever a teacher learns that a student's parent/guardian is for any reason unable to understand printed notifications, the program administrator shall provide the parent/guardian assistance in establishing other appropriate means of communication.

SEXUAL HARASSMENT

The Superintendent and the Board prohibit unlawful sexual harassment of or by any student by anyone in or from the Office. Teachers shall discuss this administrative regulation with their students in age-appropriate ways and shall assure students that they need not endure any form of sexual harassment.

Any student who engages in the sexual harassment of anyone in or from the Office may be subject to disciplinary action. Any employee who permits or engages in sexual harassment may be subject to disciplinary action up to and including dismissal.

The Board and the Superintendent expect students and staff to immediately report incidents of sexual harassment to the program administrator or his/her designee or to another program administrator. Any student who feels he/she is being harassed should immediately contact the program administrator or his/her designee or another program administrator in order to obtain a copy of the complaint procedures. Complaints of sexual harassment can be filed in accordance with these procedures.

The Superintendent and the Board prohibit retaliatory behavior against any complainant or any participant in the complaint process. Each complaint of sexual harassment shall be promptly investigated in a way that respects the privacy of all parties concerned.

Legal Reference:

EDUCATION CODE

Prohibition of discrimination on the basis of sex

48907 Student exercise of free expression

48950 Freedom of speech; students' remedies

California Code of Regulations

5 CCR § 303 Duty to remain at school

New Jersey v. T.L.O. (1985) 469 U.S. 325 in re William G. (1985) 40 Cal. 3d 550