



HRCS Search Policy

Purpose and scope

High Rockies Community School (HRCS) seeks to maintain a climate conducive to learning and protective of the safety and welfare of staff and students. To achieve this goal, school staff may search the person and/or personal property of a student and may seize property deemed injurious or detrimental to safety and welfare. Searches are conducted consistent with applicable law.

Interviews by school staff

Whenever possible, student interviews under this policy are conducted by two HRCS staff members. Absent extenuating circumstances, an HRCS staff member of the same gender as the student will be present. The nature and extent of questioning will be reasonably related to the objectives of the inquiry. When a suspected violation of HRCS policy or federal, state, or local law occurs, HRCS staff may question potential student victims, witnesses, and suspects without prior parent/guardian consent. If staff are investigating a report of child abuse and the suspected perpetrator is a member of the student's family, HRCS will follow Colorado's mandatory reporter process and will not contact the family before the proper report is made.

Student statements for expulsion matters

HRCS will not use a student's statement concerning an act that would result in mandatory expulsion in the expulsion hearing unless the statement is signed by the student and a parent/guardian or legal/physical custodian is present when the student signs, or a reasonable attempt was made to contact them to be present. Reasonable attempt includes calling each number provided to the school for the parent/guardian or custodian. The student and parent/guardian may expressly waive the presence requirement in writing after full advisement of rights. These requirements do not apply if the student made deliberate misrepresentations affecting applicability and a school official, acting in good faith, obtained a signed statement. Nothing herein prevents fact-finding or information-gathering by HRCS employees.

Searches conducted by HRCS staff

HRCS staff may search a student and/or the student's personal property while on school premises or during a school activity and may seize illegal, unauthorized, or contraband materials.

- When feasible, the student will be informed of the reason for the search and permission will be requested. Failure to cooperate may be grounds for discipline.
- After a search, the staff member prepares a brief written report noting reasons for the search, results, any extenuating circumstances, and the names of any witnesses.

Search of school property

All storage areas on HRCS premises (including lockers) are HRCS property and remain subject to search without notice under this policy. Students assume responsibility for securing any assigned storage area as directed by administration. Unapproved locks may be removed.

Search of the student's person or personal effects

HRCS staff may search a student's person or personal effects (for example, purse, backpack, book bag) on HRCS property or at HRCS-sponsored events when there is reasonable suspicion the search will uncover:

- Evidence of a violation of HRCS policies or federal, state, or local law; or
- Items that present an immediate danger of physical harm or illness.

Searches must be reasonable in scope and may include jackets, coats, outerwear, hats, shoes, socks, and items in the student's possession (such as backpacks or purses). Pat-downs are limited to the exterior of clothing and are performed using the back of the staff member's hands, with a chaperone present. Staff will be respectful of privacy in light of the student's age and gender. Parent/guardian consent is not required in advance, but parents/guardians will be notified as soon as reasonably possible after a search.

Searches requiring removal of clothing beyond outer garments (coats, jackets, hats, shoes, socks) are referred to law enforcement. HRCS staff do not conduct such searches except in extremely limited circumstances involving immediate danger of physical harm or illness.

Seizure of items

Items found during a lawful search that evidence a violation of policy or law, or that present an immediate danger, may be:

- Seized and kept securely for use in disciplinary proceedings, then returned or disposed of as appropriate; or
- Released to law enforcement as soon as practicable if possession violates law (for example, controlled substances or weapons).

Photographs may be used as evidence if the item is no longer in HRCS's possession.

Searches during trips or off-campus events

If consistent with this policy, HRCS staff may search student hotel rooms, luggage, and other property in a student's possession during field trips, overnight trips, and other HRCS-sponsored events away from campus.

Involvement of law enforcement

It is the responsibility of law enforcement to ensure compliance with legal safeguards during interviews or interrogations. Upon request by law enforcement to interview or interrogate a student, HRCS will notify the parent/guardian except in child-abuse investigations involving a family member, when a court order prohibits notice, or when an emergency or other exigent circumstances exist. If the student is under 18, the parent/guardian will be given the option to be

present unless the juvenile is emancipated, notice is not permitted, or the parent/guardian agrees the interview may proceed without them.

HRCS may request law-enforcement assistance for searches on school property. HRCS staff do not assist or participate in law-enforcement searches or arrests. Students are released to law enforcement only if placed under arrest or if both the student and parent/guardian consent. When a student is removed by law enforcement, HRCS will make reasonable efforts to notify the parent/guardian.

Record of search

HRCS staff will maintain a written record of each search conducted on school property or by HRCS staff of an HRCS student, including: name of the individual searched; names of the staff who conducted and witnessed the search; the student's grade level; race and gender; the reason for the search; and the outcome.

Surveillance cameras

Video and audio surveillance may be used by HRCS or authorized representatives to monitor students on HRCS property, buses, bus stops, and at HRCS-sponsored events on and off school property, except in locations where monitoring would violate a reasonable expectation of privacy (for example, bathrooms, locker rooms, hotel rooms).

Legal References

C.R.S. 22-32-109.1 – Safe Schools: conduct and discipline code; safe-school plan; reporting requirements.

C.R.S. 22-33-106.3 – Disciplinary investigations; parental presence; student statements.

C.R.S. 19-3-304 – Mandatory reporters of child abuse or neglect.

FERPA, 20 U.S.C. § 1232g; 34 C.F.R. Part 99 – Family Educational Rights and Privacy Act (student records/privacy).