

Dr. Lawrence S. Feldman, Board Member

SUBJECT: RANDOM WEAPON SEARCHES

**COMMITTEE: INNOVATION, EFFICIENCY AND GOVERNMENTAL
RELATIONS**

**LINK TO STRATEGIC
FRAMEWORK: STUDENT, PARENT, AND COMMUNITY ENGAGEMENT**

Miami-Dade County Public Schools (M-DCPS) has the responsibility of creating a safe learning environment for the students and workforce of our District. Our school system currently implements a comprehensive safety and security plan that includes a wide-variety of strategic tools. These measures range from physical security features such as security monitors, closed circuit television systems, two-way radio monitoring, anonymous reporting technologies, and a full-service police department to an educationally supported awareness campaign which promotes and encourages students, parents and community stakeholders to reduce community issues of safety and security through alternative strategies such as conflict resolution and other student based programs.

Of the many potential issues that stand to disrupt the learning environment, none should be of greater concern than the introduction of weapons onto a school campus. The possession of a weapon, as defined in Florida Statute(s) 790, specifically F.S.S. 790.115, Possessing or discharging weapons or firearms at a school-sponsored event or on school property prohibited; is strictly prohibited by state law and our own School Board Rule.

The use of random weapon detection searches within public schools is a fiercely contested topic. Proponents contend the searches are constitutionally permissible and serve as an effective tool for school officials to use for the detection and deterrence of weapons in public schools. However, within this framework, it is imperative that the school district adopt policies to ensure the reasonableness of the search.

Additionally, school systems can further create a safe learning environment through a host of options including the initiation of the Youth Crime Watch Program, building a circle of trust with adults, listening to student concerns and issues, and fostering a culture and environment of respect. Yet, on the other hand of this debate, detractors argue that metal detection searches are commonly referred to as invasive and infringe on student rights. There are also claims of a "false sense of security" when relying solely on the searches.

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There are a number of legal opinions addressing the use of random metal detection searches. Most notably are those surrounding the standard of proof required to conduct a search on school grounds and the reasonable expectation of privacy held by students.

Generally, the standard of proof required to conduct a search is reasonable suspicion. Many school districts throughout the state and nation have policies and guidelines outlining how the use of random 'metal detection searches' will be conducted. In many instances, police officers acting under the direction of school administrators conducted the searches utilizing hand-held metal detection wands. The Courts held that the searches were valid because:

- the police officers were acting under the direction of school administrators;
- the searches were directed and funded by the School Board;
- the metal detectors belonged to the School Board;
- the purpose of the searches was to protect and maintain a safe learning environment for all students;
- the purpose of the searches was not to investigate or secure evidence of a crime;
- an arrest and/or criminal charges can result from the administrative search; and
- in the case of school districts that employ their own school police officers, the officers have a greater degree of authority to conduct searches than that of local law enforcement officials.

The Miami-Dade Schools Police Department (M-DSPD) primary mission is to create a safe learning environment for the students of M-DCPS and the staff that serve them. M-DSPD personnel participate in a number of initiatives designed to ensure student safety, including conducting student presentations on weapons, drugs and gangs, as well as, traffic enforcement at school sites as needed. The District has also established the Promoting and Maintaining a Safe Learning Environment (PMSLE) Guideline to address safety issues at the school site.

M-DCPS previously contracted with a private security company to conduct random metal detection searches. While there is no price-tag that can be placed on ensuring the safety of our students, the amounts of these contracts often escalated well beyond their intended financial threshold. This problem was identified during an audit of the services provided by the security company of record which revealed several discrepancies surrounding payments and services provided.

Random metal detection searches can be conducted by the highly trained personnel of the M-DSPD, in conjunction with school site administrators using hand held metal detector wands. The wands can be purchased by the M-DSPD using revenue from traffic citations. As we have been previously briefed by the Chief of Police, the citations are issued to traffic violators caught speeding through posted school speed zones during the identified selected hours immediately before and after established school times. Thus, the random weapons search program is linked to the existing safety initiative of traffic enforcement. This also places one more tool in the hands of our police officers to protect our students and is cost neutral to the District.

The M-DSPD led Random Metal Detection Search Program (RMDSP) should be implemented on a trial basis for the final three months of the 2009-10 school year and a report submitted to the Board in July detailing the results of the random metal detection initiative, any unexpected costs to the general funds, and a recommendation from the Chief of Police and Superintendent.

The objectives of this RMDSP Pilot Program are to:

- add an additional safety feature to our current safety and security plan;
- detect and deter weapons from being brought to schools;
- revise the current PMSLE guideline(s): PMSLE Guideline #8 Use of Metal Detectors and PMSLE #7 Search and Seizure to reflect the needs of the District and any recent court rulings, as well as any other internal policies related to random metal detection searches;
- expand and enhance the role of M-DSPD personnel in providing a safe learning environment;
- implement RMDSP as cost neutral to the District with needed costs utilized from existing M-DCPS resources;
- identify and implement a constitutional methodology of determining the randomness of the searches;
- provide a report and recommendation to the Board at the July 2010 board meeting for further action.

ACTION PROPOSED BY

DR. LAWRENCE S. FELDMAN:

That The School Board of Miami-Dade County Florida authorize the Superintendent to direct staff to:

1. Implement the RMDSP for the final three months of the 2009-10 school year;
2. Revise the appropriate guidelines and policies related to random metal detection searches contained in Board Rule or publication; and
3. Provide a written report and recommendation for further action to the Board at its July 2010 meeting.