

Ms. Raquel Regalado, Board Member

SUBJECT: SEARCH AND SEIZURE POLICY

**COMMITTEE: INSTRUCTIONAL EXCELLENCE AND COMMUNITY
ENGAGEMENT**

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

Recently, the Third District Court of Appeals issued a ruling in favor of Miami-Dade County Public Schools. The case involved the search and seizure of a student's book bag in 2011 by M-DCPS police following an anonymous tip. The defendant asked that the evidence be excluded because the search was in violation of the student's Fourth Amendment rights. The lower Court denied the request and the appellate court confirmed said denial. In the majority opinion, Justice Logue made reference to recent school shootings and concluded that safeguarding students is a top national priority and the obligation of the school district. Furthermore, when weighing these responsibilities against a student's right to privacy, the Court concluded that there is a decreased expectation of privacy in public schools.

Currently, M-DCPS is preparing to launch its Bring Your Own Device to school program and the first phase of its technology roll out, which includes providing students with computers and Internet access at home. Presently, however, the M-DCPS policy regarding search and seizure focuses on searches by school board police and mirrors cases prior to the one mentioned above. And while our schools have signs posted warning students that they may be subject to a search, which minimizes the students' expectation of privacy, more information is needed regarding the expectation of privacy for all possessions, especially technological devices.

Therefore, in light of this recent Court finding and this District's upcoming 'bring your own device to school roll out' and technology purchases for students and teachers, this item requests a review of M-DCPS's policy regarding the search and seizure of technological devices on school grounds, the expectation of privacy associated with devices brought to school by students or provided by the District to students in school and/or at home, information as to what searches, if any, will occur when M-DCPS-owned devices are returned to the District, and to provide recommendations to the School Board of Miami-Dade County regarding necessary changes to existing M-DCPS policies to encompass the District's planned expansion of access to technology for students.

**ACTION PROPOSED BY
MS. RAQUEL REGALADO:**

That The School Board of Miami-Dade County, Florida, request that the Superintendent and School Board Attorney:

1. review M-DCPS's policy regarding:
 - (a) the search and seizure of technological devices owned by M-DCPS or brought unto school grounds; and,
 - (b) the expectation of privacy associated with said devices.
2. report findings regarding necessary policy changes, if any, to the Board.