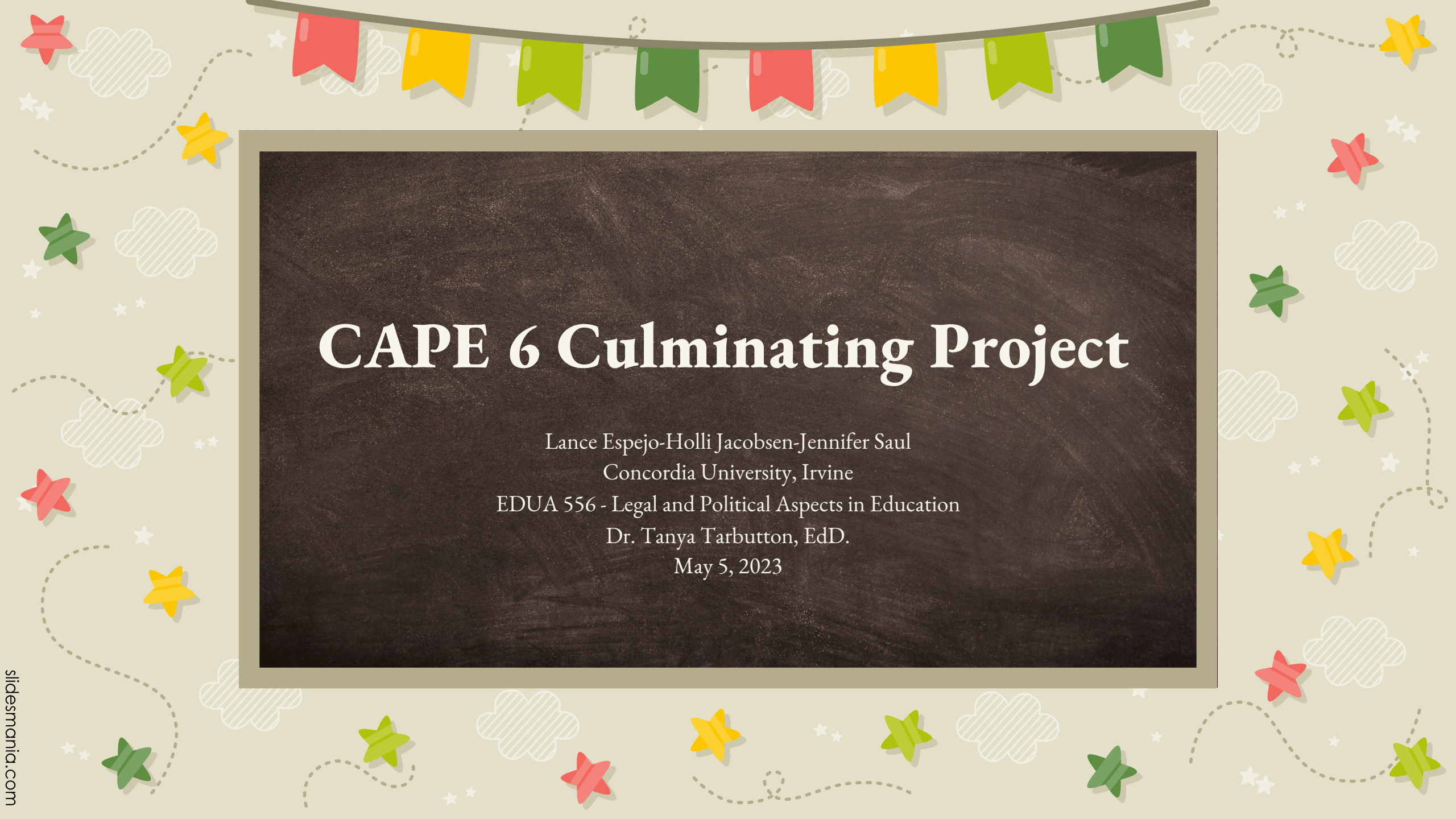


A decorative border surrounds the central text area. At the top, a string of colorful pennant flags (red, yellow, green) hangs across the frame. The background is a light beige color, decorated with scattered white stars, stylized white clouds with diagonal hatching, and colorful stars (red, yellow, green) with dashed lines trailing behind them.

CAPE 6 Culminating Project

Lance Espejo-Holli Jacobsen-Jennifer Saul
Concordia University, Irvine
EDUA 556 - Legal and Political Aspects in Education
Dr. Tanya Tarbutton, EdD.
May 5, 2023

CAPE 6 Review and Policy

6A: Understanding and Communicating Policy

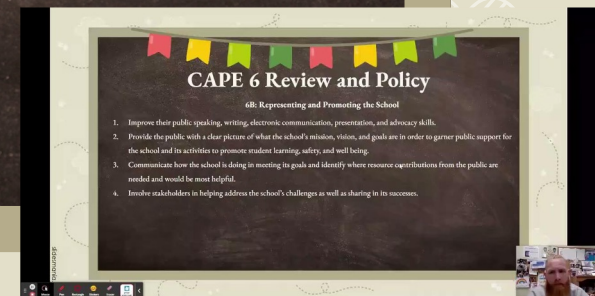
1. Recognize that any school is part of a larger district, state, and federal contexts that is influenced by political, social, economic, legal, and cultural factors.
2. Understand and analyze governance and policy systems and use this knowledge to explain roles and relationships of school and district administrators, local and state boards of education, and the legislature to staff and the school community.
3. Facilitate discussions among staff and the community about aligning mandates and policies with staff and student goals for continuously improving instruction, learning, and well-being.
4. Operate within legal parameters at all levels of the education system.



CAPE 6 Review and Policy

6B: Representing and Promoting the School

1. Improve their public speaking, writing, electronic communication, presentation, and advocacy skills.
2. Provide the public with a clear picture of what the school's mission, vision, and goals are in order to garner public support for the school and its activities to promote student learning, safety, and well being.
3. Communicate how the school is doing in meeting its goals and identify where resource contributions from the public are needed and would be most helpful.
4. Involve stakeholders in helping address the school's challenges as well as sharing in its successes.



CAPE Connection Scenario

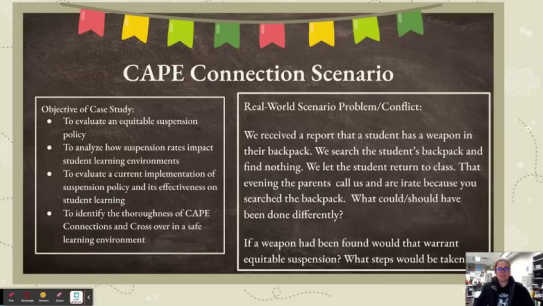
Objective of Case Study:

- To evaluate an equitable suspension policy
- To analyze how suspension rates impact student learning environments
- To evaluate a current implementation of suspension policy and its effectiveness on student learning
- To identify the thoroughness of CAPE Connections and Cross over in a safe learning environment

Real-World Scenario Problem/Conflict:

We received a report that a student has a weapon in their backpack. We search the student's backpack and find nothing. We let the student return to class. That evening the parents call us and are irate because you searched the backpack. What could/should have been done differently?

If a weapon had been found would that warrant equitable suspension? What steps would be taken?



Ed Code-Search and Seizure

California Education Code 3800

California Education Code Section 38000, part A states that a school district may establish a security department in order to “ensure the safety of school district personnel and pupil, because a school district security department is not vested with general police powers, the school police officer is allowed to conduct a search if they have a reasonable suspicion, rather than probable cause.

SECTION 49050-49051

49050. No school employee shall conduct a search that involves: (a) Conducting a body cavity search of a pupil manually or with an instrument. (b) Removing or arranging any or all of the clothing of a pupil to permit a visual inspection of the underclothing, breast, buttocks, or genitalia of the pupil.

49051. Nothing in this article shall be construed to affect the admissibility of evidence in subsequent juvenile or criminal proceedings.



Relevant Court Proceedings

New Jersey v. T.L.O

Impact on Search and Seizure:
Search must be reasonable at its inception, the scope must be reasonably related to the purpose of the search and the search must not be excessively intrusive in light of the age and gender of the students involved.

Stafford Unified School District #1 v. Redding

Impact on Search and Seizure:
Although a search may be reasonable at the beginning of the search because there is a moderate chance of finding evidence of wrongdoing, as the search continues on and becomes more intrusive, both the justification for the intrusiveness of the search and the likelihood that it will result in the discovery of evidence of wrongdoing need to be compelling.

State of New Jersey v. Thomas E. Best

Impact on Search and Seizure:
Schools must be careful to avoid the appearance, or reality, that they are taking actions under the direction of public law enforcement officials to avoid the higher legal standards applicable to law enforcement.





District Vision

Lance Holli Jenny (LHJ) School

The mission of the LHJ School District is to work collaboratively with the community to provide an innovative, high-quality educational program for all students in a safe learning environment.

Our motto, “Strong Schools - Successful Kids” exemplifies the belief that all students will achieve academic excellence, acquire interpersonal skills, and develop technological expertise to contribute as productive citizens in a democratic society.





CAPE Connections & Crossover

CAPE Connections:

- CAPE 1 B and C
- CAPE 3 A, B and C
- CAPE 4 A and B
- CAPE 5 B and C



CAPE Connections & Crossover

CAPE Connections:

- CAPE 1 B and C
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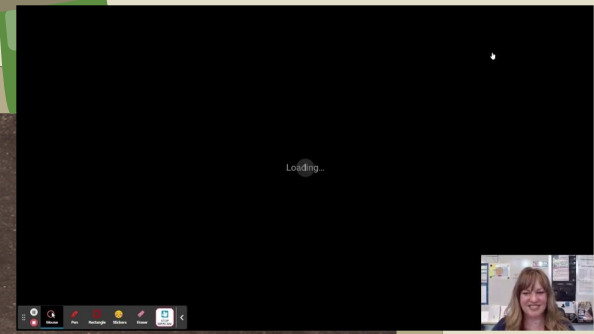
Action Plan

★ What action steps would need to be taken to resolve the problem

School officials may search individual students, his/her property, or district property under his/her control when there is a reasonable suspicion that the search will uncover evidence that he/she is violating the law, Board policy, administrative regulation, or other rules of the district or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation. The types of student property that may be searched by school officials include, but are not limited to, lockers, desks, purses, backpacks, student vehicles parked on district property, cellular phones, or other electronic communication devices

In the proposed scenario which resulted in no weapon being found, this could have been easily remedied by immediately contacting the students parents to explain what happened and why there was reasonable suspicion to search the students belongings. This act of communication would clear up any miscommunication the student could have created when delivering the news themselves.

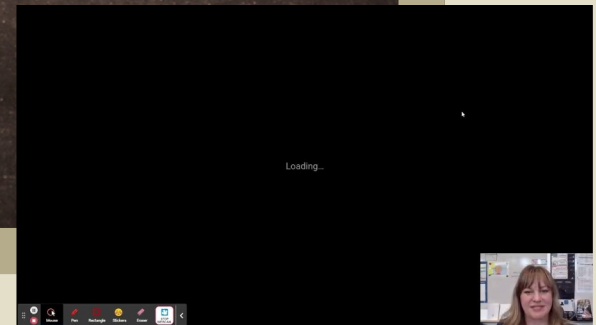
If a weapon had been found, depending on the severity of weapon (butter knife or screwdriver vs. sharp blade or gun), parents would immediately be notified along with local authorities and suspension would be warranted. If the weapon was severe, expulsion would be within policy to implement for the safety of all students at the site. Every decision and action must be thoroughly documented and communicated with staff, parents, and district.



Action Plan-Preparation

★ Information should be shared collaboratively on the process of search and seizure regulations on the school site

- ❖ Board policy should state that the search would require at least two district employees and parents would be notified immediately of the search regardless of the findings to eliminate the miscommunication between parents and admin. At no point would the student be touched and they would be required to empty their backpack and pockets. They will also be asked to roll down their socks to show they have no concealed weapons.
- ❖ With Board Policy established and in place in accordance with the relevant Ed Codes, a parent/student handbook should be distributed to families to understand:
 - The rules and regulations on campus
 - The penalty for infractions when it pertains to those rules and regulations
 - The process that will be followed for infractions
 - The rights of all stakeholders that are involved in the incident



Action Plan

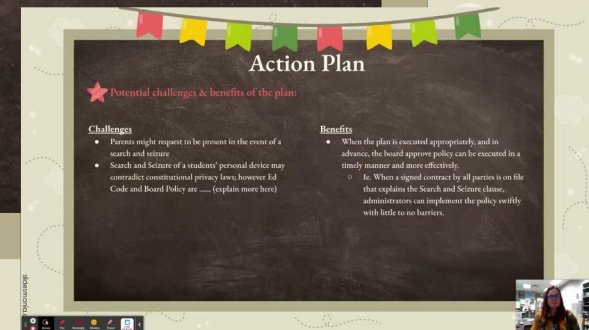
★ Potential challenges & benefits of the plan:

Challenges

- Parents might request to be present in the event of a search and seizure
- Search and Seizure of a students' personal device may contradict constitutional privacy laws; however Ed Code and Board Policy are

Benefits

- When the plan is executed appropriately, and in advance, the board approve policy can be executed in a timely manner and more effectively.
 - Ie. When a signed contract by all parties is on file that explains the Search and Seizure clause, administrators can implement the policy swiftly with little to no barriers.



Action Plan

★ Political and legal ramifications of the plan as it relates to the school context

- Reasonable Suspicion
- Parent present
- Search of Electronic and Personal devices
- Based on the severity of weapon (butter knife or screwdriver vs. sharp blade or gun) may result in legal action by authorities where law enforcement policy would then take president



Stakeholder Impact and Communications

★ Parents

- ❖ Immediate notification of all search scenarios
- ❖ Transparency and notification to all parties including calling parents of bystanders in the scenario

★ Community

- ❖ Transparent school and district policy that is easy to find on the district website.
- ❖ The more detailed, the better with applicable court case citations..
- ❖ Information available for all community members to search for information relating to the safety of our students.

★ Staff

- ❖ All staff should be aware of applicable policies and be able to direct seekers to the board policy.
- ❖ Staff should follow the rule of three. All situations warrant three people present in a room.

In general it is good practice to ensure recurring reminders and reflections of policy and expectations

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References

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