

STUDENTS

Search and Seizure

I. Intent of the Policy

The Board of Education promulgates this policy in recognition that pupils have certain constitutionally protected rights to be free from unreasonable searches and seizures and in recognition that school officials need to maintain security and order in school.

II. Definitions

A. Prohibited Items

Prohibited items as used in this policy statement shall include the following: firearms, weapons, explosives, poisons, alcoholic beverages, drugs, stolen property and other materials which endanger the physical safety of persons or property in the school.

B. Delegation of Responsibilities

For purposes of definition in this regulation, the term “principal” shall include any supervisor designated by the building principal to act in his/her behalf.

The term “superintendent” shall include the administrator designated to act in the superintendent’s absence.

III. Circumstances Under Which Searches May be Conducted

A. Searches Pursuant to a Warrant

A search of a pupil’s person or personal property may be conducted in accordance with law pursuant to a valid warrant by law enforcement personnel.

B. Searches Under Administrative Procedures

A warrantless search of a pupil’s person or personal property shall be conducted only when it is reasonably likely to produce anticipated tangible evidence of a violation of the law or of the rules of the school. Any search shall be limited in scope to measures which are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the pupil and the nature of the suspected infraction.

If a school principal has reasonable suspicion to believe that a “prohibited item” is on a pupil’s person, gym bag or similar personal property, the school principal shall authorize the search if he/she finds that it is supported by facts constituting reasonable

suspicion to believe that a prohibited item is on the pupil's person or in the pupil's personal property. The principal shall set limitations on the scope of the search based on the age and sex of the pupil, the nature of the suspected infraction, the nature of the suspected prohibited items and other factors which relate to the reasonableness of the scope of a search in order to balance the need of the search against the invasion which the search entails.

C. Lockers and Desks

The school administration, and law enforcement officers, are hereby authorized to search student lockers, and any other property available for use by students, for weapons, contraband, including the items listed in Section IIA, or the fruits of a crime when there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or school policy or rules.

State statutes require that the scope of any search under this section meet certain requirements. While the scope of a search of a student's desk or locker is less likely to be an issue than in the case of the search of a student's person, administrators should be mindful that state statutes require that the search be reasonably related in scope to the circumstances that justified the search in the first place. The scope of such a search shall be considered reasonable when the measures adopted are reasonably related to the objectives of the search and are not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

IV. Limitations on Searches

A. Strip Searches

School personnel shall not conduct strip searches of students, i.e. a search that requires students to remove their clothes or requires the inspection or feeling of parts of the students' bodies. When it is believed by the Superintendent that such a search is warranted because of the magnitude of the suspected criminal offense and the nature of the circumstances, local law enforcement officials shall be contacted.

B. Group Searches

All searches of students and their effects must be particularized. Because group searches lack the grounds of individualized suspicion of wrongdoing, they will not be permitted.

C. Consent

Except as provided in Section III, a student's person shall not be searched. School authorities may not consent on behalf of a student to a search of his/her person.

V. Persons Present at a Search

In all cases where searches are conducted pursuant to a warrant, the school principal, or his/her authorized designee, shall be present. In the case of a warrantless search conducted by a school principal, or his/her authorized designee, at least one witness other than the pupil shall be present. When feasible, the pupil shall be notified and present during a search.

Prohibited items found during a search shall be held by the school principal if needed as evidence. Items which do not belong to the pupil and which are not held as evidence shall be returned to the owner, if possible.

VI. Reports of the Searches

Promptly following any search, the school principal shall submit a Report of Search to the Superintendent. The report shall include the identity of the person or locker searched, the time of the search, the identity of the person conducting the search, the persons present, the items, if any, taken from the person, and, if known, the intended disposition of those items.

VII. Class Trips

Any search of a student, his/her personal property or room in which he/she is staying which may occur while on a class trip shall be governed by all sections elaborated above. All searches shall be conducted by a school official and not a parent or other chaperone who may accompany students. Prior to any class trip, written notice shall be given to each student and parent that the student, his/her personal property or room may be subject to a search by a school official pursuant to this policy.

VIII. Notice

Student will be provided notice of this policy concerning search and seizure through publication in the student handbook during the first two weeks of every school year.

Policy Adopted: March 12, 1986
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