

SEARCH AND SEIZURE REGULATION

I. Searches, in general.

- A. Reasonable Suspicion: A search of a student will be justified when there are reasonable grounds for the suspicion that the search will turn up evidence that the student has violated or is violating the law or school policy or rules.

Reasonable suspicion may be formed by considering factors such as the following:

- (1) eyewitness observations by employees;
- (2) information received from reliable sources;
- (3) suspicious behavior by the student; or,
- (4) the student's past history and school record.

- B. Reasonable Scope: A search will be permissible in its scope or intrusiveness when the measures adopted are reasonably related to the objectives of the search.

Reasonableness of scope or intrusiveness may be determined based on factors such as the following:

- (1) the age of the student;
- (2) the sex of the student;
- (3) the nature of the infraction; and
- (4) the exigency requiring the search without delay.

II. Types of Searches

A. Personal Searches

1. A student's person and/or personal effects (e.g., purse, backpack, etc.) may be searched when a school authority has reasonable suspicion to believe the student is in possession of illegal or contraband items.
2. Personally intrusive searches will require more compelling circumstances to be considered reasonable.

(a) Pat-Down Search: If a pat-down search or a search of a student's garments (such as jackets, socks, pockets, etc.) is conducted, it will be conducted in private by a school official of the same sex and with another adult witness present, when feasible.

(b) A more intrusive search of the student's person is permissible in emergency situations when the health and safety of the students, employees, or visitors on the school premises or property within the jurisdiction of the school district are threatened. Such a search may only be conducted in private by a school official of the same sex, with an adult of the same sex present, unless the health or safety of students will be endangered by the delay which may be caused by following these procedures.

B. Locker Searches

1. Maintenance Searches: Although school lockers are temporarily assigned to individual students, they remain the property of the school district at all times. The school district has a reasonable and valid interest in insuring the lockers are properly maintained. For this reason, periodic inspections of lockers is permissible to check for cleanliness and vandalism. General maintenance inspections may be conducted by school authorities with at least twenty-four hours' notice to the student, without the student's consent, and without a search warrant.

Any contraband discovered during such searches shall be confiscated by the administration. The administration shall address to correct the problem through counseling, parental involvement, medical referrals, or other such referrals depending on the severity of the situation.

2. Non-Maintenance Searches: The student's locker and its contents may be searched when a school authority has reasonable suspicion that the locker contains illegal or contraband items. Such searches should be conducted in the presence of another adult witness when feasible.

C. Automobile Searches

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of the student parking lots. The interior of a student's automobile on the school premises may be searched if the school authority has reasonable suspicion to believe that illegal, unauthorized or contraband items are contained inside.