

Search and Seizure

Whether a search of a student is permissible depends on a balancing of the student's right to privacy and freedom from unreasonable search and seizure against the school division's responsibility to protect the health, safety and welfare of all persons in the school community and to carry out its educational mission. To maintain order and discipline in the schools and to protect the health, safety and welfare of students and school personnel, school authorities may search a student, student belongings, student lockers or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized or contraband materials discovered in the search.

As used in this section, the term "unauthorized" means any item dangerous to the health or safety of students or school personnel, or disruptive of any lawful function, mission or process of the school, or any item described as unauthorized in school rules available beforehand to the student. "Student belongings" include but are not limited to, backpacks, mobile phones or other electronic devices, purses, jackets, or other personal effects.

A student's failure to permit searches and seizures as provided in this policy will be considered grounds for disciplinary action.

The locations at which searches of students and student property may be conducted are not limited to the school building or school property. Searches may be conducted wherever the student is involved in a school-sponsored function.

Personal Searches

A student's person (including outer clothing) and/or personal effects may be searched by a school official whenever the official has a reasonable suspicion to believe that the student is in possession of illegal or unauthorized materials or has violated or is about to violate the law or a school rule and that the search will yield evidence of the violation. All individual searches of students must be initiated based on reasonable suspicion, i.e., a moderate chance of finding evidence of wrongdoing.

In order to be permissible, the search must be:

1. Justified by reasonable suspicion at its inception and
2. Reasonably related in scope to the circumstances justifying the search.

An individual search is justified at its inception when a school official has a reasonable suspicion, based on the totality of the known circumstances, for suspecting that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. A school search is permissible in its scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

Searches may be conducted of student lockers, desks, school computers and other technology, and automobiles when on school property.

Consent Searches

If a student gives a school official consent for a search of his/her person, personal effects, and/or the interior of his/her vehicle, the school official does not need to demonstrate reasonable suspicion. A student's consent is only valid if given willingly and with knowledge of the meaning of consent. Students should be told of their right to refuse to be searched, and a student must not perceive himself/herself at risk of punishment for refusing to grant permission for the search.

Investigations by Law Enforcement Officers at School

When it becomes necessary for any law enforcement officer to interrogate a student on school premises, the school principal shall be contacted immediately. The principal or designee shall make a reasonable effort to contact the parent or guardian and have the parent or guardian in attendance for the conference. If the parent or guardian cannot be present for the conference, then the principal or designee shall be present throughout the interrogation.

Additional information can be found in Appendix K.