

Board Policy

Code No. 502.8R1

SEARCH AND SEIZURE REGULATION

I. Searches, In General.

- A. Reasonable and Articulate Suspicion: A search shall be justified when there are reasonable and articulable grounds for suspicion that the search will turn up evidence that the student has violated or is violating the law, school district policy, rules, or regulations affecting school order. Reasonable suspicion may be formed by considering factors such as the following:
- 1) Eyewitness observations by school personnel;
 - 2) Information received from reliable sources;
 - 3) Suspicious behavior by the student; or
 - 4) The student's past history and school record, although this factor alone is not sufficient to provide the basis for reasonable suspicion.
- 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 emergency requiring the search without delay.

II. Types of Searches

A. Personal Searches

1. A student's person and/or personal effects (e.g., purse, book bag, etc.) may be searched when a school authority has reasonable suspicion to believe that the student is in possession of illegal or contraband items or has violated school district policies, rules, regulations or the law affecting school order.
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 as the student and with another adult witness present, when feasible.
 - b) A more intrusive search, short of a strip search, of the student's person (e.g. handbags, book bags, etc.) is permissible in emergency situations when the health and safety of the students, employees, or visitors on the school premises are threatened. Such a search may only be conducted in private by a school official of the same sex as the student, 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 and Desk Inspections

1. Inspections: Although school lockers and desks 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 ensuring the lockers are properly maintained. Lockers and desks are subject to unannounced inspections, and students have no legitimate expectations of privacy in the locker or desk. For this reason, periodic inspections of lockers is permissible to check for cleanliness and vandalism. Periodic inspections of all or a random selection of lockers or desks may be conducted by school officials in the presence of the student or another individual.

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

2. Searches: The student's locker or desk and its contents (e.g. coat, backpack, purse, etc.) may be searched when a school official has reasonable and articulable suspicion that the locker or desk contains illegal or contraband items or evidence of a violation of law or school policy or rule. 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 school premises may be searched if the school official has reasonable and articulable suspicion to believe that illegal, unauthorized or contraband items are contained inside.

III. Authorized to Conduct Search and Seizure

A. School Official

1. A school official for the purpose of Board Policy 502.5 is defined as, "a certified school employee and includes non-certified employees employed for security or supervision purposes." The search of a student or of a protected student area by a peace officer who is not a school official, or by a school official at the invitation or direction of a peace officer who is not a school official shall be governed by the statutory and common law requirements for police searches.

Approved: August 1, 1988

*Reapproved: April 23, 2001
April 6, 2004
March 5, 2007*

*Revised: January 20, 1992
January 23, 1995
July 14, 1997
May 18, 1998
August 6, 2012*