

SEARCH AND SEIZURE POLICY

Student Search

A student may be searched, according to a decision of the Supreme Court of the United States, if 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 the rules of the school." According to the Court, the way the search is conducted should be "reasonably related to the objectives of the search and not excessively intrusive in the light of the age and sex of the student and the nature of the infraction." The Court unanimously affirmed that fourth amendment rights to be free from unreasonable searches and seizures apply to searches conducted by public school officials.

Students searches are limited as follows:

1. All searches of students shall be conducted or directed by an authorized school administrator, i.e., the principal or assistant principal, in the presence of a witness.
2. A search of a student's handbag, gym bag or similar personal property carried by a student may be conducted if these are "reasonable grounds" for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school.
3. A search of a group of students where no particular student within the group is suspected may be conducted only if there is a reasonable suspicion of conduct immediately harmful to students, staff or school property.
4. School personnel shall not conduct strip searches of students, that is a search that requires students to remove or arrange some or all of their clothing or requires the inspection or feeling of parts of the student's body. Then it is felt that such a search is warranted by the magnitude of a suspected criminal offense and the nature of the circumstances, local law enforcement officials shall be contacted. The Superintendent shall be immediately advised that such a referral has been made. The student's parents will also be immediately notified by the school principal.

5. School personnel shall not participate in searches of students in conjunction with or at the request of any law enforcement official or agency.

Lockers and Other School Property

Desks and school lockers are property of the schools, placed there for the temporary convenience of students. The right to inspect desks and lockers assigned to students may be exercised by school officials to safeguard students, their property and school property provided; an authorized school administrator may search a students desk or locker under the following conditions:

1. The search is justified at its inception.
2. The scope of the search is reasonably related to the circumstance which justified the search.
3. Students shall be informed annually that Board policy allows student search and school desk/locker search.

Automobile Searches

Students are permitted to park on school premises as a matter of privilege, not right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school authority has reasonable suspicion to believe that illegal or unauthorized materials are contained inside.

Seizure of Illegal Materials

If a properly conducted search yields illegal or contraband materials, such materials shall be turned over to the proper legal authorities for ultimate disposition.

Drug Detection

The Board of Education has directed the Superintendent of Schools to use his/her discretion in approving requests from building principals to use properly trained police dog in fulfilling the duty of the school system to provide a safe, orderly and healthy educational environment. When

justification has been established, this trained dog will be used to detect the presence of illegal drugs in student lockers.

5130