

STUDENT SEARCHES

The primary function of the public schools is education. In order to serve this function, the schools must maintain discipline and order and must provide students with physical safety and security. To provide an orderly and safe school environment, the school must control the behavior of students and prevent the introduction by students of harmful, damaging, unlawful or deleterious items onto the school premises. The law, therefore, permits school authorities to search students, their personal possessions and their desks and lockers under appropriate circumstances.

A decision to search a student, a student's possessions, or any school property or area assigned to a student for individual use shall be made in accordance with the following guidelines:

- I. Desks or lockers to which students are allowed a limited right of use are subject to search at any time if the search is made to maintain discipline and protect the students from the introduction into the school of offensive or undesirable materials. Students shall be given prior notice that they have no expectation of privacy when using district assigned property and that routine searches may be expected.

- II. A teacher, administrator or other school employee designated by an administrator may search the person of any student, the personal effects in the student's possession, or the student's vehicle parked on school grounds, under any of the following circumstances:
 - a. The search is made in connection with a lawful arrest.
 - b. The search is made with the voluntary consent of the student. There should be a witness to the obtaining of the consent and to the search.
 - c. The search is conducted on the reasonable suspicion that the student is engaged in an activity which violates a law or published school district rule, regulation or policy or that the student is carrying, concealing or sequestering material the possession of which is prohibited by law or by published school district rule, regulation or policy. Reasonable suspicion is a subjective, good faith belief supported by objective facts which may include, but are not limited to, the student's age, history and record in the school, the reliability of the information giving rise to the suspicion and the seriousness and prevalence of the problem in the school. The required "reasonable suspicion" must be based on facts relating to a particular student whose person or possessions are to be searched.

- III. Absent extraordinary circumstances, the search of a student's person or possessions by a teacher, administrator or other school employee shall be conducted by a person of the

same gender as the student in the presence of another school employee as witness. Prior to the search, the witness must be told, in the presence of the student, of the alleged wrongdoing and of the evidence believed to be hidden on the student's person or in the student's possession.

- IV. The person conducting the search shall make a reasonable effort to notify the parent or guardian as soon as possible after any search of the student's person for items that violate state law or school district policy, or items that compromise the safety and security of the school.
- V. A report shall be prepared within twenty-four (24) hours by the school administrator/designee conducting the search. The report shall include the student's name, age, and sex; the date, time, and place of the search; the alleged wrongdoing; the scope and methods of the search; and the name of the witness.
- VI. In extraordinary circumstances, such as an emergency involving weapons, destruction of evidence, escape, or an immediate threat or danger to the student or others from the suspected object of the search, such procedures of Section III above which cannot be reasonably complied with prior to an immediate search may be omitted. Any such search must be documented by a report. This report will detail the circumstances supporting non-compliance with Section II procedures.
- VII. In addition to the searches authorized above, the school district may conduct canine sniffs of the following: students' personal property which is left in the classroom during a canine sniff, the exteriors of vehicles, school hallways, lockers, classrooms, buildings, parking lots, and other school property through the use of a qualified canine unit trained to detect illegal or prohibited substances, weapons or bombs. Canine sniffs must be initiated by school officials. Sniffs through canine units will occur at random. Prior to a canine sniff, students shall be requested to vacate the area being searched. There shall be no canine sniffs of a student's person. Students shall be notified that canine sniffs of school property and of the student's personal property by a canine unit can occur without notice. A canine unit alert on an item of personal property constitutes reasonable suspicion of the presence of illegal or prohibited substances, weapons or bombs.
- VIII. School personnel should call for the support and assistance of the proper law enforcement agency in dangerous situations.

Legal Reference(s):

New Jersey v. T.L.O., 105 S.Ct. 733 (1985).