

SEARCH AND SEIZURE REGULATION

I. Searches, in general.

- A. Reasonable and Articulable 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 district policy, rules, or regulations affecting school order.

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 although this factor alone is not sufficient to provide the basis for reasonable suspicion.

- B. Reasonable Search: 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 official has reasonable suspicion to believe 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 of the same sex present, when feasible.

(b) A more intrusive search, short of a strip search, of the student's person, handbags, bookbags, etc., is permissible in emergency situations when the health and safety of students, employees, or visitors 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 Inspections and Searches.

1. Inspections: 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. Periodic inspections of all or a random selection of lockers may be conducted by school officials in the presence of the student. Any contraband discovered during such searches shall be confiscated by school officials and may be turned over to law enforcement officials.

2. Searches: The student's locker and its contents may be searched when a school official has reasonable and articulable 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 right. The school retains the 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 official has reasonable and articulable suspicion to believe that illegal, unauthorized, or contraband items are contained inside.

