

## SEARCH AND SEIZURE REGULATION

### **I. Searches, in general.**

- A. Reasonable and Articulable Suspicion: A search of a student or protected student area 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 Scope: A search will be permissible in its scope or intrusiveness when the measures adopted are reasonably related to the circumstances which gave rise to the need for the search and 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 gender of the student;
- (3) the nature of the infraction;
- (4) the emergency requiring the search without delay; and
- (5) the objectives to be accomplished by the search.

### **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 the search will otherwise turn up evidence that the student is violating 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, book bags, 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.
- (c) Strip searches and body cavity searches, or the use of a drug-sniffing animal to search a student's body, are prohibited.
- (d) If a student is not or will not be present at the time of a search of a protected student area is conducted, the student shall be informed of the search either prior to or as soon as is reasonably practicable after the search is conducted.

**B. Locker and Desk Inspections**

Although school lockers and desks are temporarily assigned to individual students as a courtesy, they remain the property of the school district at all times and do not create any protected student area. The school district has a reasonable and valid interest in insuring the lockers and desks are properly maintained. For this reason, lockers and desks are subject to unannounced inspections and students have no legitimate expectations of privacy in the locker or desk, even if the student provides a lock for it. 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 inspections will be confiscated by school officials and may be turned over to law enforcement officials.

A student's locker or desk or the contents of a student's locker or desk (coat, backpack, purse, etc.) may be searched when a school official has reasonable and articulable suspicion that the contents 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 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.

**Date of Adoption:** October 27, 2008

**Date of Revision:** April 8, 2013  
June 12, 2017  
August 14, 2023