

SEARCH AND SEIZURE REGULATION

REQUIREMENTS

Reasonable and Articulate 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 related to school operation and order.

Reasonable suspicion may be formed by considering factors such as the following:

- (1) eyewitness observations by employees; or
- (2) credible information, information received from credible source(s); or
- (3) suspicious behavior by the student; and,
- (4) the student's past history and school record. (Note: this factor alone is not sufficient to provide the basis for a reasonable suspicion.)

Reasonable Scope: A search will be permissible in its scope or intrusiveness only when the methods and type(s) of search used 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.

TYPES OF SEARCHES

Personal

1. A student's person and/or personal effects (e.g., purse, backpack, etc.) may be searched when a school official has reasonable suspicion, unauthorized, to believe the student is in possession of illegal, unauthorized, or contraband items or has violated school district policies, rules, regulations related to school operation and order or the law.

2. Personally intrusive searches 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) While school authorities cannot conduct a strip search, a more intrusive search, short of a strip search, of the student's person 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.

Lockers, Desks, Work Areas

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 these items of school property are properly maintained. For this reason, periodic inspections of lockers, desks, and work areas is permissible. Unannounced, periodic inspection of all or a random selection of student lockers, desks and/or work areas may be conducted by school officials in the presence of the student. Any illegal, unauthorized or contraband materials discovered during such searches shall be confiscated by school officials.
2. Searches: The student's locker and its contents may be searched when a school authority has a reasonable and articulable suspicion that the student may have violated a law, school district policy, rule or regulation and/or that the locker, desk or work area contains illegal, unauthorized or contraband items. Such searches should be conducted in the presence of another adult witness, when feasible. Reasonable suspicion, in this case, can be established by discovery, in a prior search of a violation of a law or school rule relating to dangerous weapons and/or controlled substances.

Automobile

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 a reasonable and articulable suspicion that a law, school district policy, rule or

regulation has been violated and/or that illegal, unauthorized or contraband items are contained inside.