

502.6R SEARCH AND SEIZURE - Administrative Regulations

SEARCHES IN GENERAL

Reasonable and Articulable Suspicion

A search of a student will be justified when there are reasonable grounds for 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:

- eyewitness observations of employees
- information received from reliable sources
- suspicious behavior by the student; or
- although this factor alone is not sufficient to provide the basis for reasonable suspicion, the student's past history and school records may be considered

Reasonable Scope

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 urgency of the situation

TYPES OF SEARCHES

Personal Searches

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

Personally intrusive searches will require more compelling circumstances to be considered reasonable.

Reviewed and Approved: 12/12/16 REVIEWED: 3/7/22

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 present of the same sex, when feasible.

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.

Locker and Desk Searches

Inspections

Although school lockers and desks 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 ensuring that the lockers and desks 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 or desks 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.

Searches

The contents of a student's locker or desk may be searched when a school official has reasonable and articulable suspicion that the locker 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.

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 clearly expressed suspicion to believe that illegal, unauthorized or contraband items are contained inside.