

Searches of Students and Student Privacy

Searches of Students and Their Property

A student and their property may be searched by a principal or a principal's designee if reasonable grounds exist to suspect that evidence of a violation of the law or school rules will be uncovered. School staff shall report a student's suspicious activity to the principal prior to initiating a search, except in emergency situations. A search is required when there are reasonable grounds to suspect a student has a firearm on school grounds, transportation, or at school events.

A. Establishing reasonable suspicion.

A search may occur if the principal or a principal's designee has reasonable suspicion that the search will produce evidence of unlawful activity or a violation of a school rule. To determine whether reasonable suspicion exists, consider the following:

1. What information is the suspicion based on?
2. Is the information reliable?
3. Is the person who shared the information credible?
4. If a search were conducted, what is the likelihood that evidence of unlawful activity or a violation of school rule would be found?

B. Conducting the search.

If the principal or the principal's designee determines that reasonable suspicion exists to search a student's clothing, personal effects, automobile, or personal container inside of district property such as an assigned desk, locker, or storage area, the search shall be conducted as follows:

1. If evidence of unlawful activity or a violation of a school rule is suspected, proceed to search by asking the student to remove all items from pockets, purses, handbags, backpacks, gym bags, etc.
2. If the student refuses to cooperate in a personal search, the student should be held until the student's parent or guardian is available to consent to the search. If a parent or guardian cannot be reached in a reasonable time, the principal may conduct the search without the student's consent.
3. The search must not be excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.
4. Do not conduct a strip search or body cavity search of the student.

Locker, Desk and Storage Area Searches

Lockers, desks, and storage areas are the property of the school district. Accordingly, students have no expectation of privacy in the lockers, desks, and storage areas they use or are assigned.

Because students have no expectation of privacy in their lockers, desks, and storage areas, principals or principals' designees may search all student lockers, desks, or storage areas at any time without prior notice and without reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rule.

Administrative inspections, or health and welfare inspections, may be conducted at any time to locate misplaced library books, textbooks, or other school property or to ensure that all lockers, desks, or storage areas are kept clean and free from potential health or safety hazards. Periodic inspections of lockers will reinforce the district's ownership of lockers, desks, and storage areas and the minimal expectation of privacy students have in the contents of their lockers, desks, and storage areas.

However, to search containers within a student's locker, desk, or storage area, reasonable suspicion must exist that the search will yield evidence of a violation of the law or school rules. A "container" for the purpose of this procedure may include, but is not limited to, an article of clothing, a handbag, purse, backpack, gym bag, or any other item in which contraband material may be concealed.