RECOMMENDED Descriptor Code: FGCB

SEARCHES OF STUDENTS & STUDENT'S PERSONAL POSSESSIONS

Definitions

This policy defines the following:

- *Personal possessions* include, but are not limited to, a student's vehicle, purse, backpack, bookbag, package(s), and clothing.

- *Reasonable suspicion* means that administration has grounds to believe that the search will result in evidence of a violation of district policy, rules, the law, and/or that the violation may be detrimental to the health, safety, or welfare of district students or staff. Reasonable suspicion may be based on a school administrator's personal observation, a report from a student, parent or staff member, a student's suspicious behavior, a student's age and past history or record of conduct both in and out of the school context, or other reliable sources of information.

- *School property* is defined in NDCC 15.1-19-10(6)(b) as all land within the perimeter of the school site and all school buildings, structures, facilities, and school vehicles, whether owned or leased by a school district, and the site of any school-sponsored event or activity.

Philosophy

A search of a student or a student's personal possessions shall only be undertaken when there is reasonable suspicion that the student is concealing an object(s) and/or substance(s) in violation of district policy, rules the law, and/or that the violation may be detrimental to the health, safety, or welfare of district students or staff. The principal or Superintendent must authorize all searches.

Search Procedure

When the principal/Superintendent has reasonable suspicion that one or more students are carrying a prohibited object, article, or substance or are otherwise in possession of a prohibited object, article, or substance on school property or at a school-sponsored event, all personal possessions belonging to the suspected student(s) may be subject to inspection. When determining the scope of a search, the principal/Superintendent shall ensure that any measures adopted are reasonably related to the object of the search and not excessively intrusive in light of the age and sex of the student.

Searches of persons should be conducted in private by a school employee with another school employee present as a witness. At least one of staff member will be of the same sex as the student whenever possible. Students may be asked to empty their pockets; however, strip searches shall not be conducted.

The Superintendent should be notified whenever a search has been conducted if the Superintendent was not involved in the search.

Searches of Vehicles
The principal or Superintendent, with a witness present, shall conduct searches of a student vehicle if the vehicle is parked on school property and if reasonable suspicion exists. The building principal shall make a reasonable attempt to contact the student who owns the vehicle and ensure they are present during the inspection unless an emergency situation warrants an immediate search. If a vehicle is locked and its owner cannot be contacted or refuses to open it, the principal shall contact law enforcement.

Involvement of Law Enforcement
The principal or Superintendent may request the assistance of law enforcement to conduct any portion of a school-initiated search of a student's personal possessions that would pose a safety threat if conducted by school staff. In all other cases, law enforcement must have probable cause in order to search a student's personal possessions.

Violation
Personal possessions in violation of district policy, the law, and/or that may be detrimental to the health, safety, or welfare of district students will be confiscated until further directed by the Superintendent or law enforcement. Illegal substances found during a search of a student's personal possessions will be turned over to law enforcement authorities.

Students in violation of this policy, or any federal/state law, shall be subject to disciplinary action in accordance with the district's student conduct and discipline policy (FF) as determined by the Superintendent or designee, and when appropriate, be referred to law enforcement.

Reporting Requirements
The administrator who authorized the search shall notify the Superintendent whenever a search has been conducted.

Complementing NDSBA Templates (may contain items not adopted by the Board)
- FGA, Student Education Records and Privacy
- FGCB-E, Search & Seizure of Students Form
- FF, Student Conduct and Discipline

End of Manvel School District #125 Policy FGCB ..... Adopted: 02/10/20

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