Recommended Descriptor Code: FGCB

Searches of Students and Students' Personal Property

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, the law, and/or that the violation may be detrimental to the health, safety, or welfare of District staff or students. The building administrator or their designee must authorize all searches.

Search Procedure

When the building administrator or their designee 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 building administrator or their designee 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 of the same sex as the student with a school employee present as a witness. Students may be asked to empty their pockets; however, strip searches shall not be conducted.

Use of Metal Detector Wands

To combat school violence, the potential presence of weapons in our school, or the potential presence of illegal substances, the District may utilize metal detector wands to detect firearms, knives, other weapons, or illegal drugs (e.g., vape devices).

All students may be subject to screening. Metal detector wand screenings of students and their personal possessions shall be conducted in an orderly and safe manner, and consistent with minimizing intrusion into students' privacy rights.

Searches of Vehicles
The building administrator or their designee, 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 administrator or their designee 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 building administrator or their designee shall contact law enforcement.

Involvement of Law Enforcement
The building administrator or their designee 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 or staff will be confiscated until further directed by the Superintendent or law enforcement. Illegal substances found during a search of student's personal possessions will be turned over to law enforcement authorities.

Reporting Requirements
The building administrator or their designee who authorized the search shall notify the Superintendent should items of concern be discovered.

Complementary Documents

- FGA, Student Records
- FGCA Student Searches
- FGCB-E, Search and Seizure of Students Form
- FGCC Student Interviews and Custody by School Resource Officers and Outside Authorities

End of Bismarck Public School District Policy FGCB

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