

## **Searches of Students and Student Privacy**

### **Searches of Students and Their Property**

A student and their property are subject to search 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 shall be uncovered. School staff shall report a student's suspicious activity to the principal prior to initiating a search, except in emergency situations when risk of harm to students or staff demands immediate action. A search is required when there are reasonable grounds to suspect a student has a firearm on school grounds, transportation, or at school events.

### **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, the following review should occur:

1. What is the student's suspicious conduct, behavior or activity?
2. What information is the suspicion based on?
3. Is the source of information reliable?
4. Is the person who shared the information credible?
5. If a search were conducted what's the likelihood that evidence of unlawful activity or a violation of a school rule would be found?
6. Is the student likely to possess or have concealed any item, material, or substance which is it self prohibited or which would be evidence of a violation of the law or a school rule?

### **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 will be conducted as follows:

1. Prior to conducting a search, school officials shall ask that the student consent to be searched.

2. If evidence of criminal activity is suspected to be present, and prosecution by civil authorities will be recommended if confirmed by the search, consult law enforcement officials regarding the appropriateness of a search by law enforcement officer.
3. If evidence of violation of a school rule is suspected, and if confirmed by the search will be handled solely as a student discipline action, proceed to search by asking the student to remove all items from pockets, purses, handbags, backpacks, gym bags, etc.
4. 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.
5. The search must not be excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.
6. Staff shall conduct searches in a manner which is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.
7. 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.

### **Electronic Devices including Cell Phones**

Students shall not use telecommunication devices in a manner that poses a threat to academic integrity, disrupts the learning environment or violates the privacy rights of others.

Students shall not send, share, view or possess pictures, text messages, emails or other material that is considered sexually explicit, harassing, intimidating, discriminatory, promoting illegal activity or gang related in electronic or any other form on a cell phone or other electronic device, while the student is on school grounds, at school sponsored events or on school buses or vehicles provided by the district.

When a school official has reasonable suspicion, that a student is using a telecommunications device in a manner that violates the law or school rules, the official may confiscate the device, which shall only be returned to the student's parent or legal guardian.

By bringing a cell phone or other electronic devices to school or school sponsored events, the student and their parents/guardian consent to the search of the device which school officials have a reasonable suspicion, that such a search will reveal a violation of the law or school rules. Content or images that violate state or federal laws will be referred to law enforcement.

### **School Parking Lots**

ALL vehicles that are parked on school property including parking lots during school hours or during school activities shall be subject to search if reasonable grounds exist to suspect that the search will yield evidence of the student's violation of the law or school rules.

Adopted: April 11, 2011  
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