Merchantville Board of Education 130 South Centre Street Merchantville, NJ 08109	File Code : 5145.12 Adopted : 09/27/1988 Revised : 06/26/2018 Reviewed : 06/03/2024

Search and Seizure

School lockers remain the property of the district even when used by pupils. Lockers are subject to administrative search in the interests of school safety, sanitation, discipline, enforcement of school regulations and to search by law enforcement officials on presentation of a proper warrant. Pupils and their parents/guardians shall be informed of this policy when lockers are assigned.

A pupil's person and possessions may be searched by a school administrator provided that the official has reasonable grounds to suspect that the search will turn up evidence that the pupil has violated or is violating either the law or the rules of the school. Under no circumstances shall a search be conducted based solely upon an anonymous tip and/or a rumor that contraband is present. The extent or scope of the search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the pupil and the nature of the infraction. A physical search may only be conducted by a staff member of the same sex as the pupil. Before instituting such a search, except in cases of emergency, the chief school administrator shall try to inform the parents/guardians and request their presence.

School personnel shall not conduct strip searches or body cavity searches of any pupils under any circumstances.

Searches for Controlled Dangerous Substances/Drug Paraphernalia/Alcohol/Firearms/Other Deadly Weapons

Searches conducted by staff when there is suspicion that laws and policies on safe and drug free schools are being violated shall be based on the reasonable grounds required by this policy. The privacy interests of students are outweighed by the substantial interest of teachers and administrators in maintaining a drug-free environment in the classroom and on school grounds, and consequently, locker searches and vehicle searches on school grounds need satisfy only the “reasonable suspicion” standard adopted by the courts in T.L.O and State v. Best. When law enforcement officials conduct the search, the more stringent grounds required by law must be applied. See policies 5131.6 and 5131.7.

Key Words

Search and Seizure, Locker Searches, Substance Abuse, Seizure

Legal References:

N.J.S.A.	2A:4A-60 et al.	Disclosure of juvenile information; penalties for disclosure
N.J.S.A.	18A:11-1	General mandatory powers and duties
N.J.S.A.	18A:36-19.2	Student lockers or other storage facility; inspection; notice to students
N.J.S.A.	18A:37-6.1	Strip and body cavity searches prohibited
N.J.S.A.	18A:54-20	Powers of board (county vocational schools)
N.J.A.C.	6A:16-6.1 et seq.	Law Enforcement Operations for Substances, Weapons and Safety

State v. Best 403 N.J. Super 428 (App. Div 2008) cert. granted 996 S. 2d 1078 (2009)

State in interest of T.L.O., 94 NJ 33 (1983); New Jersey v. T.L.O., 469 U.S. 325, 53 (1985)
Vernonia School District 47J v. Acton et ux., Guardians ad litem for Acton, ___ U.S. ___, 115 S.Ct. 2386 (1995)
Joye v. Hunterdon Central Regional High School Board of Education, Superior Court of New Jersey, Law Division Dkt. No. HNT-C-14031-00 (Jan. 4, 2001)
Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al., 536 U.S. _____ (2002)
The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials (1999 Revisions)

Possible Cross References:

*1410	Local units
*5114	Suspension and expulsion
*5131	Conduct/discipline
*5131.6	Drugs, alcohol, tobacco (substance abuse)
*5131.7	Weapons and dangerous instruments
*5145.11	Questioning and apprehension

*Indicates policy is included in the Critical Policy Reference Manual.

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