Search Policy

Purpose

The Fargo Public School District ("District") is committed to providing a safe educational and work environment for its students and staff. The District is also committed to preserving the constitutional rights of its students and staff. Searches of students and equipment may be required to preserve the safe environment for students and staff. The purpose of this policy is to establish the rights and limitations regarding such searches.

Definitions

1. Personal property includes but is not limited to a student's vehicle, purse, backpack, and clothing.
2. School property has the same definition as N.D.C.C. 15.1-19-10(6). School issued computers and lockers are considered school property.

Search Procedure

A search of a student or their personal property or clothing shall only be undertaken when there is reasonable suspicion that the student is concealing an object, article, or substance in violation of school rules, District policy, state or federal law, and/or that may be detrimental to the health, safety, or welfare of District students and staff. The Superintendent, or their designee, must authorize all searches.

When the building principal or Superintendent has reasonable suspicion that a student is 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, the student and all personal property belonging to the suspected student may be subject to inspection. When determining the scope of a search, the building principal or 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 gender of the student.

Searches of a student's person should be conducted in private by the Superintendent, building principal, or their designee, with a second school employee or school resource officer present as a witness. Students may also be asked to empty their pockets; however, strip searches and cell phone searches are prohibited. The use of metal detection devices may be utilized in searches of students and their personal property.

Searches of Vehicles

The building principal or the Superintendent, or their designees, with a witness present, may conduct searches of a student's 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 building principal shall contact law enforcement.

Special Needs Searches
Situations may occur, or exists, where the need of the District to maintain order and safety of schools and events require the District to perform suspicionless searches. The Superintendent, upon consultation of the District General Counsel, must authorize all suspicionless searches.

Involvement of Law Enforcement
The building principal or Superintendent may request the assistance of law enforcement to conduct any portion of a school-initiated search of a student or their personal property 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 or their personal property.

Illegal substances found during searches of student or their personal property will be turned over to proper authorities.

Searches of Lockers
The District retains ownership and control of all lockers. Access to all lockers is a legal right of school officials whose responsibility it is to protect the health, safety, and welfare of all students and staff. Students shall have no reasonable expectation of privacy when using lockers. Students shall be given advanced notice of this policy through student handbooks or another form of notification.

Lockers may be subject to suspicionless searches, inspections for purposes such as routine maintenance, or searches where there is suspicion that locker(s) contains objects/substances that are illegal, violate school policy, or may be detrimental to the health, safety, or welfare of district students.

Search Procedure
When a locker is subject to a search, the building principal should be accompanied by at least one other school staff member.

Students' personal items stored in lockers shall not be searched unless there exists reasonable suspicion that they contain an object(s) or substance(s) in violation of school rules, District policy, the law, or which may be detrimental to the health, safety, or welfare of enrolled students.

Searches of District Issued Electronic Devices
The District retains ownership and control of District issued electronic devices. Access to all District issued electronic devices is a legal right of school officials whose responsibility it is to protect the health, safety, and welfare of all students and staff. Students shall have no reasonable expectation of privacy when using District issued electronic devices. Students shall be given advanced notice of this policy through student handbooks or another form of notification.

District issued electronic devices may be subject to suspicionless searches, inspections for purposes such as routine maintenance, or searches where there is suspicion that District issued

electronic devices contains content that is illegal, violates school policy, or may be detrimental to the health, safety, or welfare of District students and staff.

Violations
Personal property in violation of school rules, District policy, state or federal 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 searches will be turned over to law enforcement authorities.

The principal will contact the student's parent or legal guardian to indicate a search has been conducted and report any applicable disciplinary action. Students in violation of any school rules, District policies, or any federal or state law shall be subject to disciplinary action in accordance with AP 6310 Student Behavior, Discipline, and Reporting and AP 6320 Suspension and Expulsion. Student conduct may also result in a referral to law enforcement.

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