BP-5145.12 (a)

SEARCH AND SEIZURE

Note: *4 AAC 07.010 requires districts to adopt policies regarding student rights and responsibilities. The U.S. Supreme Court decision New Jersey vs. T.L.O. holds that the legality of a student search will depend on the reasonableness of the search. Determining the reasonableness of any search involves determining whether the search was justified at its inception and whether, as conducted, it was reasonably related in scope to the circumstances that justified the interference in the first place. Under ordinary circumstances, the search of a student by a school official is justified at its inception when there is reason to suspect that it will turn up evidence of a student's violation of the law or school rules. The search is permissible in scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the student's age or sex and the nature of the infraction.*

The School Board is committed to maintaining an environment for students and staff which is safe and conducive to learning and working. The Board recognizes that incidents may occur where the health, safety and welfare of students and staff are jeopardized and which necessitate the search and seizure of students, their property, or their lockers by school officials.

The Board authorizes school officials to conduct searches when there are reasonable grounds or suspicion that the search will uncover evidence that the student is violating the law or the rules of the district or the school.

In determining when reasonable cause for a search exists school officials shall consider:

1. The prevalence and seriousness in the school of the problem to which the search was directed.
2. The urgency requiring the search without delay.
3. The substantive value and reliability of the information used as justification for the search.
4. The location of the student at the time of the incident which gave rise to reasonable suspicion.

The Board urges that discretion, good judgement, and common sense be exercised in all cases of search and seizure. Before searching a student's possessions, school officials will seek, but need not receive, the freely offered consent of the student. Whenever reasonably possible, a search of a student's person shall be conducted in the presence of the student's parent/guardian, a staff member, and/or the building administrator, or designee. The parent/guardian of the student being searched shall be notified by the district as soon after the search as possible.

The use of drug-detection dogs and metal detectors or similar detection devices may be used upon express authorization of the Board/Superintendent.

BP-5145.12 (b)

SEARCH AND SEIZURE

Because lockers are under the joint control of the student and the district, school officials shall have the right and ability to open and inspect any school locker without student permission when they have reasonable suspicion that the search will disclose evidence of illegal possessions or activity or when odors, smoke, fire and/or other threats to student health, welfare, or safety emanate from the locker.

For health and safety reasons, a general inspection of school properties such as lockers and desks may be conducted on a regular, announced basis. Any items contained in a locker shall be considered to be the property of the student to whom the locker was assigned. Notice of this policy shall be given to all students when lockers are assigned. Notice will also be posted in prominent locations.

Legal Reference:

ALASKA STATUTES
14.03.105 Search of School Lockers

ALASKA ADMINISTRATIVE CODE
4 AAC 07.010 – 4 AAC 07.900 Student Rights and Responsibilities

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