

School officials have the authority to conduct reasonable searches of students and to seize students' unauthorized materials for the purposes of maintaining a safe, orderly environment and upholding standards of conduct established by the Watauga County Board of education (the "board") or school. Any searches or seizures must be conducted in accordance with the standards described in this policy and any other applicable legal requirements. All school officials carrying out a search or seizure are expected to be knowledgeable about the legal rights of students and the appropriate procedures for conducting the search or seizure. A search must be justified at its inception, permissible in scope, and conducted using methods that are narrowly tailored to be minimally intrusive. School officials shall make reasonable, good faith efforts to investigate allegations of misconduct before a student search is conducted.

This policy applies to searches conducted on school grounds, in school facilities, or at school-sponsored events.

Policy 3225/4312/7320, Technology Responsible Use, not this policy, applies to the search of school system-owned technological resources and the data located on school system-owned electronic equipment.

A. SEARCHES BASED ON INDIVIDUALIZED REASONABLE SUSPICION

A student or the student's possessions may be searched when a school official has reasonable suspicion that the search will turn up evidence that the particular student has violated or is violating a specific law or school rule. This reasonable suspicion must be based upon specific and articulable facts, which have been acquired through reliable and/or corroborated information from employees, students, law enforcement officers, or other credible sources, or upon visual or other evidence (e.g., the smell of alcohol or marijuana, an alert from a metal detector or drug dog) viewed in light of the totality of the circumstances and the school official's professional judgment. The scope of the search must be reasonably related to the objectives of the search, and the methods used to conduct the search must be narrowly tailored to be minimally intrusive in light of the age and sex of the student and the nature of the infraction.

Reasonable suspicion is not required if a student freely and voluntarily consents to the search of his or her person or possessions.

In accordance with the standards described above, the board authorizes the following types of searches based on reasonable suspicion.

1. Searches of Personal Effects

School officials may search a student's desk, locker, and/or personal effects, including but not limited to purses, book bags, and clothing (for example, coats or jackets) not currently being worn by the student.. Policy 4318, Use of Wireless

Communication Devices, addresses the circumstances under which searches of student cell phones and other electronic devices may be conducted.

2. Searches of Motor Vehicles

School officials may search the interior of a student's motor vehicle.

3. "Pat-down" Searches

A school official may conduct a frisk or "pat-down" search of a student's person. The search must be conducted in private by a school official with an adult witness present. Both the school official conducting the search and the adult witness must be the same sex as the student.

4. More Intrusive Personal Searches

More intrusive personal searches are discouraged and are to be used only in very limited circumstances. A personal search is more intrusive when it extends beyond a student's personal effects and outer clothing and potentially exposes intimate body parts and/or undergarments. Such intrusive personal searches will be permissible only if: (1) the school official has reasonable suspicion that a search of a particular student will yield dangerous contraband (e.g., drugs or weapons); and (2) the school official has reasonable suspicion that the student has hidden the contraband in his or her undergarments. This search must be conducted in private by a school official of the same sex as the student, with an adult witness of the same sex present, and only with the prior approval of the superintendent or designee, unless the health or safety of students will be endangered by the delay that might be caused by following these procedures. Body cavity searches and searches that require a student to completely disrobe are strictly prohibited.

5. Metal Detector Searches

A metal detector may be used to search a student's person and/or personal effects. The search must be conducted by a school official and will be done in private, when feasible.

B. SUSPICIONLESS GENERAL SEARCHES

In an effort to maintain a safe, drug-free, and weapon-free learning environment, school officials may conduct certain types of general, suspicionless searches in the schools. All general searches must be conducted in a minimally-intrusive, nondiscriminatory manner (e.g., all students in randomly selected classrooms, every third individual entering a school-sponsored extracurricular activity) and may not be used to single out a particular individual or category of individuals. The searches must be conducted in accordance with standardized procedures established by the superintendent or designee. Absent exigent circumstances (e.g., a report of a weapon on campus), prior to conducting general searches,

school administrators must: (1) demonstrate to the superintendent or designee the need for general searches based upon a pattern or expectation of violence, drug activity, or disruption; and (2) provide written notice to students and parents of the school policy and/or procedures governing general searches, but not of specific times when or places where searches will be conducted.

When conducted in accordance with the standards described above and any corresponding procedures, the board authorizes the following types of general, suspicionless searches.

1. Searches of Desks and Lockers

School officials may conduct routine searches of student desks and lockers. Student desks and lockers are school property and remain at all times under the control of the school. However, students are expected to assume full responsibility for the security of their desks and lockers. Student desks and lockers may not be used to store illegal, unauthorized, or contraband materials.

A student's personal effects found within a desk or locker, such as a backpack, gym bag, or purse, may be searched only in accordance with the guidelines for individualized searches of personal effects described in Section A, above.

2. Point-of-Entry Metal Detector Searches

School officials may use metal detectors to conduct general point-of-entry searches of students and other persons for weapons.

3. Use of Trained Dogs

With the prior approval of the superintendent, and in conjunction with local law enforcement, school officials may use trained dogs (canines) to locate illegal materials. All dogs must be accompanied by a certified and authorized trainer who is responsible for the dog's actions and who is able to verify the dog's reliability and accuracy in sniffing out illegal material. Trained dogs may sniff lockers, desks, book bags, motor vehicles, and other inanimate objects. Dogs may not be used to sniff students or other persons under any circumstances. No students should be present during a dog search. Before a search occurs in a classroom, students will first be moved to a location outside the classroom.

C. SEIZED ITEMS

Any illegal contraband seized by school officials must be promptly turned over to the proper law enforcement authorities.

D. FAILURE TO COOPERATE

A student's failure to cooperate with a reasonable search or seizure as provided in this

policy will be considered a violation of the expected standard of behavior, and will subject the student to appropriate consequences.

Any person who is not a student who refuses to permit a general metal detector search of his or her person and/or belongings at the point-of-entry to a school-sponsored activity may be denied entry to the activity.

E. NOTICE

School principals shall take reasonable steps to provide notice of this policy to students and parents at the start of each school year.

Legal References: U.S. Const. amend. IV; *New Jersey v. T.L.O.*, 469 U.S. 325 (1985), *Safford United School District #1 v. Redding*, 557 U.S. 364 (2009); G.S. 115C-47, -288, -307, -390.2, 391.2

Cross References: Technology Responsible Use (policy 3225/4312/7320), School Plan for Management of Student Behavior (policy 4302), Use of Wireless Communication Devices (policy 4318), School-Level Investigations (policy 4340)

Adopted: February 9, 2015

Replaces: Policy 5.05.64, Search and Seizure

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