

Searches

Purpose

The purpose of this Administrative Regulation is to promote the health, welfare and safety of District students through a practice of lawful and orderly searches designed to eliminate the presence of illegal drugs, alcohol, weapons or other contraband on District property and at school-sponsored activities.

For purposes of this Administrative Regulation and the accompanying Board Policy, building administrators authorized to conduct searches include building principals and assistant principals.

Searches by Law Enforcement

The building principal or designee will open a student's locker for inspection at the request of a law enforcement officer upon presentation of a duly authorized search warrant.

Individual Searches of Students – General Standards

Pursuant to the subsections below, authorized school officials are permitted to conduct searches of students, including their persons, lockers, motor vehicles, and other possessions, when there is a reasonable suspicion that such a search will uncover evidence of a violation of Board Policy, Administrative Regulations, school rules, or local, state or federal law on the part of the student.

In order for the requisite level of reasonable suspicion to exist, the school official must be able to point to a "particularized suspicion" for conducting a search. Searches that arise out of generalized concerns or merely suspicious behavior, where the school official is not looking for any object in particular, have been struck down as illegal.

The scope of any search must be reasonable under the circumstances, taking into consideration the student's age, the intrusiveness of the search, and the immediacy of any threat prompting the search.

Individual Search of a Student's Person (Including Backpacks, Handbags, and Other Personal Items (Excluding Cell Phones and Personal Electronic Devices))

When reasonable suspicion exists that leads school officials to believe that a search of a student's person will uncover evidence of a violation of Board Policy, Administrative Regulations, school rules, or applicable law, the student should first be asked to voluntarily reveal the contents of pockets, backpack, handbag, or other personal article(s).

If the student does not comply with the request, authorized school officials may conduct a pat-down search of the student's person or search the contents of the

backpack, handbag, or other personal item. A pat-down search shall be limited to lightly patting the outside of a student's clothing.

The school official conducting any pat-down search shall be of the same sex as the student, and such search shall occur in the presence of a second school official. Where a search is limited to a student's backpack, handbag, or other personal item(s), reasonable efforts shall be made to conduct the search in the presence of a second school official.

Searches of the student's person, as described above, do not require parental consent prior to conducting the search, but the principal or designee shall notify the parent/guardian that a personal search of the student was conducted as soon as practicable after the search has occurred.

Any illegal, unauthorized, or other prohibited articles found as a result of searches of the student's person may be seized and used as evidence in disciplinary, juvenile or criminal proceedings. The administrator conducting a search is responsible for the safekeeping and proper retention/disposal of any illegal, unauthorized or prohibited materials found as a result of the search.

In any instance where an item or substance is found or seized, the possession of which would appear to be in violation of the law, the circumstances shall be reported to the local police. Care should be taken to ensure that any seized material is properly secured until surrendered to the police. Nothing in this paragraph shall preclude the District from performing its own independent testing/analysis on any substance seized in order to determine whether or not possession of such substance constitutes a violation of Board Policy or applicable law.

After any search, a memorandum shall be prepared for the Superintendent or designee as soon as practicable after the search occurs, outlining the reasonable suspicion for conducting the search, and describing the manner in which the search occurred, including witnesses, date, time, location, duration and the results of the search.

Individual Search of a Student's Desk or Locker

A student's desk and lockers are and shall remain the property of the District. As such, they are subject to periodic general or random inspection for the safety, health and welfare of all students.

No student may use a locker or a desk as a depository for any substance or object which is illegal, unauthorized, prohibited, or which constitutes a threat to the health, safety or welfare of the school community.

Authorized school officials are permitted to inspect a student's desk and/or locker when such employee has reasonable suspicion that the desk and/or locker is being

improperly used for the storage of illegal, unauthorized or prohibited materials, or materials which pose a hazard to the health, safety, and welfare of the school community.

When a student's desk or locker is searched, the guidelines listed below shall be followed:

1. The student shall be notified and given an opportunity to be present. Where there is reasonable suspicion that a desk or locker contains material which poses an immediate threat to the health, safety or welfare of students or staff, the desk and/or locker may be searched without prior warning or presence of the student.
2. Reasonable efforts shall be made to conduct the search in the presence of a second school official.
3. Any illegal, unauthorized, or other prohibited articles found in student desks or lockers may be seized and used for evidence in disciplinary, juvenile or criminal proceedings. The administrator conducting a search is responsible for the safekeeping and proper retention/disposal of any illegal, unauthorized or prohibited materials found as a result of the search.
4. When a student's desk or locker is searched, the student's parents/guardians shall be notified as soon as practicable after the search has been conducted.
5. In any instance where an item or substance is found or seized, the possession of which would appear to be in violation of the law, the circumstances shall be reported to the local police. Care should be taken to ensure that any seized material is properly secured until surrendered to the police. Nothing in this paragraph shall preclude the District from performing its own independent testing/analysis on any substance seized in order to determine whether or not possession of such substance constitutes a violation of Board Policy or applicable law.
6. After any search, a memorandum shall be prepared for the Superintendent or designee as soon as practicable after the search occurs, outlining the reasonable suspicion for conducting the search, and describing the manner in which the search occurred, including witnesses, date, time, location, duration and the results of the search.

Individual Search of Student Vehicles

Students who have applied for and been approved to park their vehicles on school premises are permitted to do so as a matter of privilege, not of right.

The District retains the authority to conduct routine patrols of student parking lots and inspections of the exterior of student vehicles on school property. Students and parents/guardians must be provided with notice that such routine patrols and inspections may occur on school property, but such patrols and exterior inspections may be conducted without notice, without student consent.

The interior of student vehicles on school property may be inspected whenever school officials have reasonable suspicion to believe that illegal, unauthorized articles, or otherwise prohibited materials are in plain view upon inspection of the vehicle's exterior. Where the interior of a student's vehicle is to be searched, the guidelines listed below are to be followed:

1. The student shall be notified and given the opportunity to be present for the search. However, where there is reasonable suspicion that the student's vehicle contains materials which may pose an immediate threat to the health, safety or welfare of the students or staff, the vehicle may be searched without prior warning or presence of the student.
2. Reasonable efforts shall be made to conduct the search in the presence of a second school official.
3. Any illegal, unauthorized articles, or prohibited articles found in the vehicle may be seized and used for evidence in disciplinary, juvenile or criminal proceedings. The administrator conducting a search is responsible for the safekeeping and proper retention/disposal of any illegal, unauthorized or prohibited materials found as a result of the search.
4. The parents/guardians of the student shall be notified as soon as practicable after the search has been conducted.
5. In any instance where an item or substance is found or seized, the possession of which would appear to be in violation of the law, the circumstances shall be reported to the local police. Care should be taken to ensure that any seized material is properly secured until surrendered to the police. Nothing in this paragraph shall preclude the District from performing its own independent testing/analysis on any substance seized in order to determine whether or not possession of such substance constitutes a violation of Board Policy or applicable law.

6. After any interior vehicle search, a memorandum shall be prepared for the Superintendent or designee as soon as practicable after the search occurs, outlining the reasonable suspicion for conducting the search, and describing the manner in which the search occurred, including witnesses, date, time, location, duration and the results of the search.

Special Provisions Regarding Searches of Students' Cell Phones and Personal Electronic Devices

School officials who believe that reasonable suspicion exists that a student's cell phone or personally-owned electronic device, text messages, call logs, voicemails, photos/files, or other data or activity contained in the device or any application therein contain evidence of a violation of Board Policy, Administrative Regulations, school rules, or local, state or federal law may seize the student's phone/device but shall not conduct any further search or inspection of the device or its contents. The local police shall be contacted in order to conduct any search/inspection permitted by law that is deemed appropriate under the circumstances.

Systematic Suspicionless Testing

Systematic suspicionless testing may be performed at school dances and/or proms as determined by the High School Principal upon consultation with the Superintendent. For purposes of this Administrative Regulation, "systematic" means either testing of all students or a predetermined random selection of students.

The Administration shall notify students and parents/guardians in advance of any functions at which systematic suspicionless testing may be used in a manner reasonably calculated to promote awareness of the nature and extent of the testing.

Before each event, the Administration will develop a written protocol indicating the specific manner in which tests will be administered and establishing the specific method by which students will be selected for testing, including, where random testing of less than all students is performed, the ratio of students to be tested randomly.

The persons administering the testing will be properly trained in the operation of the device(s) used.

Testing may be by breathalyzer or similar non-invasive testing.

General Searches

The Superintendent or designee may order a general search of lockers, hallways, randomly selected portions of school buildings, parking lots, and/or other school grounds, when necessary, to promote the health, safety and welfare of the District, students, and staff. Such general searches may include random canine sniff searches of, among other locations, lockers, motor vehicles, backpacks and other possessions. If a dog alerts on a student's locker, motor vehicle, or personal belongings, the student will be subject to a further individual search, as permitted by law and this Administrative Regulation and the accompanying Board Policy. Police assistance will be requested, if deemed necessary or appropriate. Any violations of Board Policy, Administrative Regulations, school rules, or any Code of Conduct or Student Handbook that are discovered through such searches shall be addressed in accordance with Board Policy or the appropriate Student Handbook, Code of Conduct, or Memorandum of Understanding with law enforcement.

The following criteria will be maintained with respect to a general search:

- The search may not be overly intrusive;
- The scope of the search is predetermined;
- The time and the date of a general search is set several weeks in advance;
- Consideration must be given to the students' privacy interests; and
- Students and parents/guardians must have been provided with notice that random general searches of the nature contemplated may take place during the school year.

Nothing in this Administrative Regulation shall be interpreted to limit an authorized District administrator from performing a general, unannounced search in an emergency situation or in connection with any imminent danger.

Annual Notice

Students and their parents/guardians shall be notified at least annually of the contents this Administrative Regulation and the accompanying Board Policy via posting of same on the District's website and in Student Handbooks.

Surveillance Cameras

The District uses surveillance cameras in schools and on other District property as permitted by law in order to assist in the thorough monitoring in activities taking place on school property. If required by law, the District will notify the appropriate individuals of the use of surveillance cameras.

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