

## Student Privacy and Searches

### Searches of Students and Their Property

A student is subject to search by district staff if reasonable grounds exist to suspect that evidence of a violation of the law or school rules will be uncovered. School staff shall report a student's suspicious activity to the principal prior to initiating a search, except in emergency situations. A search is required when there are reasonable grounds to suspect a student has a firearm on school grounds, transportation or at school events.

### **Establishing reasonable grounds**

The following review of the basis for the search should occur before conducting a search:

- A. Identify 1) the student's suspicious conduct, behavior, or activity; 2) the source of the information; and 3) the reliability of the source of such information.
- B. If suspicion could be confirmed, would such conduct be a violation of the law or school rules?
- C. Is the student likely to possess or have concealed any item, material, or substance which is itself prohibited or which would be evidence of a violation of the law or a school rule?

### **Conducting the search**

If the principal, or his or her designee, determines that reasonable grounds exist to search a student's clothing, personal effects, desk, locker, assigned storage area, or automobile, the search shall be conducted as follows:

- A. If evidence of criminal activity is suspected to be present, and prosecution by civil authorities will be recommended if confirmed by the search, consult law enforcement officials regarding the appropriateness of a search by a law enforcement officer.
- B. If evidence of violation of a school rule is suspected, and if confirmed by the search will be handled solely as a student discipline action, proceed to search by asking the student to remove all items from pockets, purses, handbags, backpacks, gym bags, etc.
- C. If reasonable grounds exist for a search of a particular student, a breath alcohol detection device may be used to confirm that a student has used or is under the influence of alcohol or a metal detector device may be used to confirm that a student possesses contraband metal items.
- D. If the student refuses to cooperate in a personal search, the student should be held until the student's parent or guardian is available to consent to the search. If a parent or guardian cannot be reached in a reasonable time, the principal may conduct the search without the student's consent.

### Locker Searches

Lockers, desks, and storage areas are the property of the school district. When assigned a locker, desk, or storage area, a student shall be responsible for its proper care. A student may be subject to a fine for any willful damage to school property. Students are encouraged to keep their assigned lockers closed and locked.

A student's locker desk or storage area may be searched by district staff if reasonable grounds

exist to suspect that evidence of a violation of the law or school rules will be uncovered. School staff shall report a student's suspicious activity to the principal prior to initiating a search, except in emergency situations when the risk of harm to students or staff demands immediate action.

Building principals should refer to these procedures for conducting searches of students and their property for guidance in establishing whether a search is reasonable under the circumstances.

Principals may search all lockers, desks, or storage areas without prior notice given to students and without reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rules.

Administrative inspections, or health and welfare inspections, may be conducted at any time for the purpose of locating misplaced library books, textbooks, or other school property or to ensure that all lockers, desks, or storage areas are being kept clean and free from potential health or safety hazards. Periodic inspections of lockers will reinforce the district's ownership of lockers and the minimal expectation of privacy students have in the contents of their lockers.

During a search of all student lockers, if the school official conducting the search discovers any container within the locker which may conceal contraband, the container may be searched according to district procedures governing searches of students and their property. A "container" for the purpose of this policy may include, but is not limited to: an article of clothing, a handbag, purse, backpack, gym bag, or any other item in which contraband material may be concealed.

### **Detection Canines**

The purpose of unannounced canine-assisted inspections of the school building and property, classrooms, property, vehicles, and backpacks is to reduce the presence or influx of drugs, weapons or explosives for the protection of all children. Students have a lowered expectation of privacy at school and the use of canines to sniff air around items or places is not a search. At no time will any person be subjected to inspection by the detection canine. Students who elect to park vehicles on district property waive an expectation of privacy and agree that the vehicle may be sniffed.

Organizing a successful canine inspection requires careful planning. While every canine inspection will be unique to the school in terms of process, the following are applicable guidelines:

- A. Each school designated by the superintendent shall develop a team, consisting of the building administration, law enforcement officials or private contractor, school security, and other pertinent individuals.
  
- B. The team shall decide when: (a) there has been an influx of drug or weapons activity or reasonable suspicion that activity is about to occur within the school that would necessitate a canine inspection; or (b) the school aims to actively promote a drug-free or weapons-free environment.
  
- C. The team shall decide the scope of the inspection, the duration, and the intensity.

- D. Information sharing beyond the scope of the team can be detrimental to the effectiveness of the canine inspection.
- E. The team shall determine which staff will participate in the inspection, what each person's role will be, and what their duties will look like.
- F. It is essential that school administration and law enforcement or private contractor work hand-in-hand, with school officials remaining responsible for the team's activities.
- G. Students and parents or guardians shall be informed of this policy at the beginning of each school year by way of newsletter, public announcements or messaging, posted signs, and/or building policy that canine dogs may be used throughout the course of the year in a highly monitored manner with the utmost respect to students' individual rights.
- H. Prior to any canine inspection, students shall be removed from the area to be inspected to avoid incidental contact with the canine.
- I. A canine's "alert" constitutes reasonable suspicion for a school official to search for a school violation and only the canine's handler will determine what constitutes an alert by the canine.
- J. If a canine alerts on a particular item or place, the person(s) bringing the item onto district property, or responsible for the item or place, will be called to the scene to witness the search by school official(s) in compliance with district policy and applicable law.
- K. The above inspections may be unannounced and shall be made at the discretion of the superintendent or designee.

**Updated: 05/2015**