

BOARD POLICY

It is appropriate that schools respect students need for and right to privacy. However, school authorities are charged with protecting the health and safety of all students and promoting the effective operation of the schools. The interest of individual members of society in securing personal privacy must be balanced against the collective interest of society in obtaining the results of the search. The following guidelines shall be observed to assure the privacy of individuals and the safety and welfare of all students.

GUIDELINES

- 1 Any search conducted in accordance with this policy shall be carried out by the principal or a person designated by the principal.
- 2 A student shall be free from searches by school officials of his or her clothing and other personal property unless there is reasonable cause to believe that something is concealed that may be of immediate danger to the student or to other students or the staff. School officials may request a student to remove all items from pockets or other personal effects.
- 3 Failing compliance by a student to the foregoing request, and in the absence of immediate danger, the school officials shall refrain from searches and shall call in the parents or, in the case of possible criminal activity, the police.
- 4 In the case of perceived immediate danger school officials may require a student to remove all items from pockets or other personal effects. In such instances force may be used if necessary.
- 5 Student lockers remain the property of the school district and school officials retain the right to inspect lockers. It is, however, the policy of the district that school authorities may inspect student lockers in the absence of students only when:
 - 5.1 It occurs as part of a general inspection of all lockers for the purpose of returning school property such as library books. (In such cases the personal belongings of students within lockers shall not be searched.)
 - 5.2 School authorities have reasonable cause to believe that conditions or circumstances exist which threaten the health or safety of those in the school.
- 6 When school authorities have reasonable cause to believe that items are concealed in a school locker which violate school rules or the law, they shall inspect a locker, but only with the affected student present. If the student

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refuses to reveal the content of his personal belongings within the locker, the parents, or in the case of possible criminal activity, the police shall be called.

- 7 The school administration regulates admission to parking lots and the parking of vehicles on these lots.
- 8 School principals have the right and the duty to inspect and search any vehicle parked on the parking lot of their school if they reasonably suspect, upon information received from policy or otherwise, that drugs, weapons, dangerous illegal or prohibited matter, or goods stolen from the school or from members of the staff or student body are likely to be found therein.
- 9 The school principal may turn the fruits of such search over to the police for inspection or examination. These may be the subject of criminal or juvenile court prosecution, or of school disciplinary proceedings.

AUTHORITY IN GENERAL FOR THE BOARD POLICY

The right to attend school and claim the benefits afforded by the public school system is the right to attend subject to all lawful rules and regulations prescribed for the government thereof. (LEONARD v. SCHOOL COMMITTEE OF ATTLESBORO, 212 NE 2d 468)

School officials of a public school, to a limited extent at least, stand in loco parentis as to students attending the school. They may exercise such powers of control, restraint, and correction over pupils as may be reasonably necessary to enable teachers to perform their duties and to effect the general purposes of education. (WILSON v. ABILENE INDEPENDENT SCHOOL DISTRICT, 190 SW 2d 406)

The loco parentis doctrine is so compelling in light of public necessity for safety and order in the schools that a search taken thereunder upon reasonable suspicion should be accepted as necessary and reasonable. (STATE OF DELAWARE v. BACCINO, 282 A 2d 869)

EXPLANATION AND/OR AUTHORITY FOR THE GUIDELINES

- 1 "Random Causeless Searches" will not be tolerated by the Courts. When a search of a student or his effects appears warranted it would appear to be in the best interest of the district to have the search conducted by the person possessed of the greatest knowledge of the requirements of the law and the highest authority in the school--in this instance, the principal. (PEOPLE v. D, 315 NE 2d 466)
- 2 Random Causeless searches are not tolerated by the Courts. (PEOPLE v. D, 315 NE 2d 466). However, the Courts have held that reasonable cause of searching

a public school pupil or his effects range from everything from actually witnessing the proscribed article (*KATZ v. UNITED STATES*, 389 V.S. 347), or noting a "suspicious bulge" in a student's pockets (*PEOPLE v. JACKSON*, 319 N.Y.S. 2d 731), to information received from an unidentified source (*MERCER v. STATE*, 450 SW 2d 715), or from another student (*In Re W*, 105 Cal. Rptr. 755), or from an anonymous telephone call (*In Re State in the Interest of G.C.*, 296 A 2d 102).

- 3 The public schools have the authority to search a student suspected to possess illegal or dangerous items and may use "reasonable" or "moderate" force to gain compliance. (*PEOPLE v. JACKSON*, 319 N.Y.S. 2d 731) Absent a clear danger, however, it just appears to be the wiser course to avoid physical involvement if possible.
- 4 See No. 3, above. If the educator perceives a danger, then he is armed with ample authority to conduct a search (*STATE OF DELAWARE v. BACCINO*, 282 A 2d 869)
- 5 A student's right to privacy in his locker is in relation only to other students (*PEOPLE v. OVERTON*, 301 N.Y.S. 479) and the school retains dominion over school lockers (*STATE v. STEIN*, 456 P 2d 1).
- 6 See no. 5, above. The authority of the school to search the locker is unimpaired even in the absence of parents or police. Here again, it would appear to be just the most prudent path to follow. But the authority clearly exists (*In Re W.*, 105 Cal. Rptr. 775)
- 7 The conduct of pupils directly relating to and affecting the management of a school and its efficiency is within the proper regulation of the school authorities (*KINZER v. INDEPENDENT SCHOOL DISTRICT*, 105 NW 686). Any school regulation is reasonable on its face if it is essential in maintaining order and discipline on school property (*BLACKWELL v. ISSAQUENA COUNTY BOARD OF EDUCATION*, 363 F 2d 749) and this extends to this regulation of student parking lots.
- 8 There are no cases on record wherein a student has ever questioned the school's authority to search a vehicle on school property. However, it can be presumed that so long as the vehicle is on campus, and so long as the student has access to it, said vehicle could be treated much like a locker in that it is a place of deposit for the student's effects.
- 9 The school may so do. (*STATE v. STEIN*, 456P1; *MERCER v. STATE OF TEXAS*, 450 SW 2d 714; *PEOPLE v. STEWART*, 313 N.Y.S. 2d 253)

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