

## **J-6 SEARCHES**

### Search of Property

The Board recognized the implications of constitutional law in the area of student privacy. The Board is equally aware that such tangible personal property items as student desks, student lockers and related properties are and remain the property of the Board.

The Board is charged with maintenance of such property and thus authorizes inspection for any maintenance-related reasons. With respect to opening said lockers or desks for other reasons, the following shall apply throughout the School District.

Desks, lockers and other equipment at any school belong to the Board and, although assigned to particular students for use, may be entered and searched by school officials whenever said school officials have reasonable belief that some substance or other material is contained therein which is illegal, harmful to the safety of the student himself/herself or to the student body as a whole, or significantly disruptive of or dangerous to the overall discipline of the school.

Any items, which are specifically prohibited by law, by Board policy or by fair and reasonable local school regulations, may be impounded by school officials. In such cases, students shall be given a receipt for said impounded items. Such prohibited items shall include, but not be limited to the following:

- Any weapons;
- Drugs of any sort;
- Alcoholic beverages,
- Pornographic or otherwise obscene materials, or
- Any other object, controlled substance or material which would be a violation

or evidence of a violation of federal or a state law, of Board policy, or of the Local school's fair and reasonable regulation.

If possible, the student or students shall be contacted prior to any search of

his/her desk or locker, and the desk or locker shall be opened in his/her presence. Two witnesses from the professional staff shall be present during the inspection at all times.

The content of this policy shall be communicated to all students and staff at the beginning of each year.

### Search of a Student's Person

The Board authorizes the teachers and administrative personnel who have reasonable belief that a student or students are in possession of weapons, illegal drugs or other items harmful to the student or students or to the welfare of the student body to search the person of said student(s) under the following conditions:

- Any such action shall not be taken unless there is a reasonable belief of violation of law or policy which can be substantiated if necessary;
- Any such action shall not deliberately be intended to embarrass, harass or intimidate the student(s);
- Parents/guardian shall be notified, in writing, of all such searches of a student's person. A copy of said notice shall be retained by the principal.

Any search of a student's person shall be done privately by a teacher or

administrator of the same sex as the student to be searched. At least one witness, who is an administrator or teacher, also of the same sex as said student, shall be present throughout the search. A record of the search shall be made. A copy shall be filed in the principal's office, a second copy shall be sent to the Superintendent. Students shall be given a receipt for all items impounded.

Should items, which are illegal or contrary to Board policy, be found, the Board's disciplinary process will be followed as outlined in the Student Disciplinary Code.

Reasonable belief of violation of the law or Board policy may be based upon information from such sources as faculty members, reliable students, a law enforcement officer, visual evidence or any of these factors.

### Interrogation of Students

A student enrolled in the School District shall not be interrogated by any law enforcement authority on public school property during regular school hours without the knowledge of the school's principal or designee. All interrogations shall be conducted in private, with an official

school representative (principal or designated representative) present. Reasonable effort shall be made to have a parent or guardian present. In those instances where a parent/guardian cannot be present within a reasonable period of time, school officials must allow interviews by law enforcement officials to proceed in the absence of the parent or guardian. Other non-school persons shall not interview students at school with the exception of Department of Human Resources (DHR) personnel or parents or guardians.

**ADOPTED: May 11, 2004**

**LEGAL REF: U.S. Const. IV; U.S. Const. Amend. XIV 1; Moore V Student Affairs Committee of**

**Troy State University, 284 F. Supp. 275, (M.D. Ala. 1970); Note from Moore: “It is settled that the Fourth Amendment does not prohibit reasonable searches when the search is conducted by a superior charged with the responsibility of maintaining discipline or of maintaining security.”**