

STUDENTS

Series 500

Policy Title Search and Seizure

Code No. 502.08

School district property is held in public trust by the board. School district authorities may, without a search warrant, search students or protected student areas based on a reasonable and articulable suspicion that a school district policy, rule, regulation or law has been violated. The search is in a manner reasonable in scope to maintain order and discipline in the schools, promote the educational environment, and protect the safety and welfare of students, employees and visitors to the school district facilities. The furnishing of a locker, desk or other facility or space owned by the school and provided as a courtesy to a student, even if the student provides the lock for it, will not create a protected student area and will not give rise to an expectation of privacy with respect the locker, desk, or other facility.

School authorities may seize any illegal, unauthorized or contraband materials discovered in the search. Items of contraband may include, but are not limited to, nonprescription controlled substances, marijuana, cocaine, amphetamines, barbiturates, apparatus used for controlled substances, alcoholic beverages, tobacco, weapons, explosives, poisons and stolen property. Such items are not to be possessed by a student while they are on school district property or on property within the jurisdiction of the school district; while on school owned and/or operated school or chartered vehicles; while attending or engaged in school activities; and while away from school grounds if misconduct will directly affect the good order, efficient management and welfare of the school district. Possession of such items will be grounds for disciplinary action including suspension or expulsion and may be reported to local law enforcement officials. The board believes that illegal, unauthorized or contraband materials may cause material and substantial disruption to the school environment or presents a threat to the health and safety of students, employees, or visitors on the school district premises or property within the jurisdiction of the school district.

It is the responsibility of the superintendent, in conjunction with the principals, to develop administrative regulations regarding this policy.

Legal Reference:

U.S. Const. amend. IV.

New Jersey v. T.L.O., 469 U.S. 325 (1985).

Cason v. Cook, 810 F.2d 188 (8th Cir. 1987), *cert. den.*, 482 U.S. 930 (1987).

Iowa Code ch. 808A (2011).

281 I.A.C. 12.3(8).

Cross Reference:

502.00 Student Rights and Responsibilities

503.00 Student Discipline

Date of Adoption: May 13, 2013 (Revised)

Related Administrative Rules and Regulations: _____

I. Searches, in general

- A. Reasonable and Articulate Suspicion: A search of a student will be justified when there are reasonable grounds for the suspicion that the search will turn up evidence that the student has violated or is violating the law or school district policy, rules, or regulations affecting school order.

Reasonable suspicion may be formed by considering factors such as the following:

1. eyewitness observations by employees;
2. information received from reliable sources;
3. suspicious behavior by the student; or,
4. the student's past history and school record although this factor alone is not sufficient to provide the basis for reasonable suspicion.

- B. Reasonable Scope: A search will be permissible in its scope or intrusiveness when the measures adopted are reasonably related to the objectives of the search. Reasonableness of scope or intrusiveness may be determined based on factors such as the following:

1. the age of the student;
2. the sex of the student;
3. the nature of the infraction; and
4. the emergency exigency requiring the search without delay.

II. Types of Searches

A. Personal Searches.

1. A student's person and/or personal effects (e.g., purse, backpack, etc.) may be searched when a school official has reasonable suspicion to believe the student is in possession of illegal or contraband items or has violated school district policies, rules, regulations or the law affecting school order.
2. Personally intrusive searches will require more compelling circumstances to be considered reasonable.
 - a. Pat-down Search: If a pat-down search or a search of a student's garments (such as jackets, socks, pockets, etc.) is conducted in private by a school official of the same sex as the student and with another adult witness of the same sex present, when feasible.
 - b. A more intrusive search, short of a strip search, of the student's person, handbags, book bags, etc., is permissible in emergency situations when the health and safety of students, employees, or visitors are threatened. Such a search may only be conducted in private by a school official of the same sex as the student, with an adult of the same sex present unless the health or safety of students will be endangered by the delay which may be caused by following these procedures.

B. Locker and Desk Inspections

Although school lockers and desks are temporarily assigned to individual students, they remain the property of the school district at all times. The school district has a reasonable and valid interest in insuring the lockers and desks are properly maintained. For this reason, lockers and desks are subject to unannounced inspections and students have no legitimate expectations of privacy in the locker or desk. Periodic inspections of all or a random selection of lockers or desks may be conducted by school officials in the presence of the student or another individual. Any contraband discovered during such searches shall be confiscated by school officials and may be turned over to law enforcement officials.

The contents of a student's locker or desk (coat, backpack, purse, etc.) may be searched when a school official has reasonable and articulable suspicion that the locker contents contains illegal or contraband items or evidence of a violation of law or school policy or rule. Such searches should be conducted in the presence of another adult witness when feasible.

C. Automobile Searches

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of the student parking lots. The interior of a

student's automobile on the school premises may be searched if the school official has reasonable and articulable suspicion to believe that illegal, unauthorized or contraband items are contained inside.

SEARCH AND SEIZURE CHECKLIST

I. What factors caused you to have a reasonable and articulable suspicion that the search of this student or the student's effects, locker or automobile would turn up evidence that the student has violated or is violating the law, school policy, rules or regulations affecting school order?

- A. Eyewitness account.
 - 1. By whom: _____
 - 2. Date/Time: _____
 - 3. Place: _____
 - 4. What was seen: _____

- B. Information from a reliable source.
 - 1. From whom: _____
 - 2. Time received: _____
 - 3. How information was received: _____
 - 4. Who received the information: _____
 - 5. Describe information: _____

- C. Suspicious behavior? Explain _____

- D. Student's past history? Explain _____

- E. Time of search: _____

- F. Location of search: _____

- G. Student told purpose of search: _____

- H. Consent of student requested: _____

II. Was the search you conducted reasonable in terms of scope and intrusiveness?

- A. What were you searching for: _____
- B. Where did you search: _____
- C. Sex of the student: _____
- D. Age of the student: _____
- E. Exigency of the situation: _____
- F. What type of search was being conducted: _____
- G. Who conducted the search: _____
Position: _____ Sex: _____
- H. Witnesses: _____

III. Explanation of Search.

- A. Describe the time and location of the search: _____

- B. Describe exactly what was searched: _____

- C. What did the search yield: _____

- D. What was seized: _____
- E. Were any materials turned over to law enforcement officials: _____
- F. Were parents notified of the search including the reason for it and the scope: _____