

A. AUTHORITY TO CONDUCT SEARCHES AND SEIZURES

School administrators have the authority to conduct reasonable searches and seize materials in accordance with this policy for the purpose of maintaining a safe, orderly environment and for upholding standards of conduct established by the board or school. This policy does not apply to investigations conducted by law enforcement officials or to investigations conducted exclusively for the purpose of criminal prosecution. Any school official carrying out a search or seizure is expected to be knowledgeable about the constitutional rights of students and the appropriate procedures for conducting the search or seizure.

Reasonable suspicion that a student has unauthorized or illegal materials is generally required before an individual may be singled out for a search. Reasonable suspicion is not required if a student freely, voluntarily and knowingly consents and agrees to the search of his or her person or personal effects.

As used in this policy, the term “unauthorized” means any item dangerous to the health or safety of students or school personnel, or disruptive of any lawful function, mission or process of the school, or any item described as unauthorized in school rules published and made available to the student.

A student’s failure to permit reasonable searches and seizures as provided in this policy shall be considered a violation of the expected standard of behavior and appropriate consequences may be imposed.

B. PERSONAL SEARCHES

A student’s person and/or personal effects (e.g., purse, book bag, etc.) may be searched whenever a school authority has reasonable suspicion to believe that the student is in possession of illegal or unauthorized material and that the material could be found on the student’s person or in the personal effects, given its size or shape.

If a frisk or “pat down” search of a student’s person is conducted, it must be conducted in private by a school official of the same sex and with an adult witness present, when feasible.

If the school official has reasonable suspicion to believe that the student has on his or her person an item imminently dangerous to the student or to others, a more intrusive search of the student’s person may be conducted. Such a search may be conducted only in private by a school official of the same sex, with an adult witness of the same sex present, and only upon the prior approval of the superintendent or his or her designee, unless the

health or safety of students will be endangered by the delay which might be caused by following these procedures.

C. USE OF METAL DETECTORS

A metal detector can be used to search a student's person and/or personal effects whenever a school official has reasonable suspicion to believe that the student is in possession of a weapon. The search must be conducted by a school official. The search will be conducted in private, when feasible.

A school is authorized to conduct general searches of students and their personal effects with a metal detector before a student can gain entry to the school campus or any school-sponsored extracurricular activity. The search must be conducted in accordance with procedures established by the superintendent or his or her designee. Prior to initiating general searches, the school must: (1) substantiate to the superintendent the need for general searches based upon a pattern or expectation of violence or disruption; and (2) provide written notice, if feasible, to students and parents of the school policy governing general searches, but not of specific times or places where searches will be conducted. Any search conducted pursuant to this policy must be conducted by a school official.

D. LOCKER SEARCHES

Student lockers are school property and remain at all times under the control of the school. However, students are expected to assume full responsibility for the security of their lockers. Student lockers may not be used to store illegal, unauthorized or contraband materials. Inspections of lockers may be conducted by school authorities for any reason consistent with board policies or school rules at any time, without notice, without consent, and without a search warrant. A student's personal effects found in a locker, such as backpacks, gym bags or purses, may be searched only pursuant to guidelines for personal searches described above.

E. SEARCHES OF STUDENT MOTOR VEHICLES

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to patrol student parking lots at any time, without notice or consent. The interior of a student's motor vehicle parked on the school premises may be searched if a school official has reasonable suspicion to believe that illegal, unauthorized or contraband items are contained inside.

F. USE OF TRAINED DOGS IN CONDUCTING SEARCHES

With the prior approval of the superintendent, school officials may use trained dogs in inspections for illegal, unauthorized or contraband materials in school facilities, grounds and school parking lots. All dogs must be accompanied by a qualified and authorized trainer who will be responsible for the dog's actions and who can verify the dog's reliability and accuracy in sniffing out contraband. Trained dogs may sniff lockers, student motor vehicles and other inanimate objects. Such inspections are not considered searches and do not require notice or consent.

Dogs may not be used for random searches of students or other persons. If a school official has reasonable suspicion that a student possesses illegal, unauthorized or contraband material on his or her person, a dog may sniff the air near the student. Such a search will be conducted in private with the school official and an adult witness present, when feasible.

Legal References: U.S. Const. amend. IV; G.S. 115C-47, -288, -307, -391

Cross References: School Plan for Management of Student Behavior (policy 4302) School Level Investigations (policy 4340)

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Administrative Procedure: None