

STUDENTS

Student Privacy/Searches of Students and Their Property

Students are entitled to the guarantees of the Fourth Amendment and shall be secure in their persons, papers, and effects against unreasonable searches and seizures. However, school officials have the responsibility of maintaining a safe environment and are empowered to conduct a reasonable search of a student and of the students' personal property when there is reasonable cause or grounds for suspecting or believing that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Any search conducted must comply with applicable laws. School property shall remain under the control of school officials, and shall be subject to search.

1. Personal Searches. Any personal search of a student must be based upon reasonable cause or grounds for suspecting or believing that the search will turn up evidence that the individual student has violated or is violating either the law or the rules of the school. The methods and extent of the search must be reasonably related to the expectation of the discovery of contraband, and the search must not be excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

Any search of a person or personal effects must be based on reasonable cause or grounds particularized to the individual student(s). Group searches without such individualized suspicion are not permitted.

- a. Personal Effects. A student's personal effects, such as a purse or book bag, may be searched whenever a school official has reasonable cause or grounds for suspecting or believing that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school.
- b. Search of Person. If a student is asked to empty and/or pull out his/her pockets or remove shoes, socks, hat, or coat, if these garments are being worn, these steps are required.
 - (1) The student will be informed of the basis for the school official's reason for the search and will be asked to empty his/her pockets or remove the garment(s) named above.
 - (2) If the student does not consent, and the circumstances permit, the student's parents or guardian shall be called and informed of the circumstances.
 - (3) If consent is not given or the parent or guardian cannot be reached, law enforcement authorities may be called.
 - (4) The search should be conducted in private by a school official with an adult witness present whenever possible.

- c. Pat-Down Searches. If a pat-down search is conducted, there must be reasonable cause or grounds for suspecting or believing that a student may be concealing a weapon, illegal drugs, or something that may be of immediate danger to the student or to other students, staff, or patrons. Prior to conducting a pat-down search, the school official will normally contact the superintendent's office. If such a search is conducted without contact with the superintendent's office, the school official must be able to articulate the danger(s) that indicated the need for conducting the pat-down search. Such a search will be conducted by a school official of the same sex whenever possible and in accordance with steps 1-4 above.
 - d. Strip Searches. No school official may subject a student to a strip search or body cavity search.
2. Locker/Desk/Storage Area Searches. Student lockers, desks, and other storage areas remain the property of the School District and school officials retain the right to inspect lockers, desks, or other storage areas assigned to students. School officials have authority to maintain order and discipline in schools and to protect students from exposure to illegal drugs, weapons, and contraband. No right nor expectation of privacy exists for any student as to School District property, including computers and networks, and the school principal, assistant principal, or person designated by a school administrator may search all student lockers, desks, and other storage areas at any time without prior notice and without reasonable cause or grounds for suspecting or believing that the search will turn up evidence of any particular student's violation of the law or school rule.

If, and only if, the school official, as a result of the search, develops reasonable cause or grounds for suspecting or believing that any individual student's personal effects (e.g., book bag, backpack, or duffel bag) in any student locker, desk, or storage area contain evidence of a student's violation of the law or school rule, the school official may search personal effects.

3. 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 student parking lots and inspections of the exteriors and visible interiors of student automobiles on school property. The interiors of student vehicles may be searched whenever a school official has reasonable cause or grounds for suspecting or believing that the search will turn up evidence that the individual student(s) has violated or is violating either the law or the rules of the school. Such patrols and searches may be conducted without notice, without student consent, and without a search warrant. Police may be called.

4. Seizure of Illegal Materials. If a properly conducted search yields illegal or contraband materials, such findings shall be turned over to the proper legal authorities for ultimate disposition.
5. Definitions. For purposes of this policy, the following definitions are applicable.
 - a. “Contraband” is all substances or materials, the presence of which is prohibited by school policy or state law, including but not limited to, controlled substances, drugs, abusable glue, or aerosol paint, alcohol, incendiary devices, guns, knives, and other objects that could be reasonably construed to be weapons; and computer hacking or proxy tools, which are software devices designed to gain unauthorized access to computers or networks or tools designed to disguise the source of a network communication.
 - b. “Reasonable cause” or grounds is the standard for a search on school property or at school related events. It is based on the school official’s specific belief or suspicion that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Specific reasonable suspicions may be drawn from instances including, but not limited to, a tip from a reliable student, suspicious behavior that suggests that contraband is present, a smell indicating the presence of the contraband or a bulge in a pocket. Reasonable cause should not be based on mere hunch and must be particularized with respect to each individual student.
 - c. “School official” means only School District administrators or other personnel designated by the superintendent.
6. Notice. Students will be provided notice of the policy and procedures concerning searches by having such notice placed on the school website or distributed by supplemental publication.

Cross References:

cf. 3414 - Infectious Diseases
cf. 3231 - Student Records

Legal References:

RCW 13.64.060 Power and Capacity of emancipated minor
RCW 28A.320.040 Bylaws for board and school government
RCW 28A.600.020 Government of schools, pupils, employees, rules and Optimum learning atmosphere
RCW 28A.600.210-240 School official searches of student lockers
WAC 392-400-215 Student rights

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