

Searches of Students and Student Privacy

Searches of Students and Their Property

A student and their property may be searched by a principal or a principal's designee if reasonable grounds exist to suspect that evidence of a violation of the law or school rules will be uncovered. School staff will report a student's suspicious activity to the principal prior to initiating a search, except in emergency situations. A search is required when there are reasonable grounds to suspect a student has a firearm on school grounds, transportation, or at school events.

A. Establishing reasonable suspicion.

A search may occur if the principal or a principal's designee has reasonable suspicion that the search will produce evidence of unlawful activity or a violation of a school rule. To determine whether reasonable suspicion exists, consider the following:

1. What information is the suspicion based on?
2. Is the information reliable?
3. Is the person who shared the information credible?
4. If a search were conducted what's the likelihood that evidence of unlawful activity or a violation of a school rule would be found?
5. If a dog has been used to conduct a search, the handler will determine what constitutes an "alert".

B. Conducting the search

If the principal or the principal's designee determines that reasonable suspicion exists to search a student's clothing, personal effects, automobile, or personal container inside of district property such as an assigned desk, locker, or storage area, the search will be conducted as follows:

1. If evidence of unlawful activity or a violation of a school rule is suspected, proceed to search by asking the student to remove all items from pockets, purses, handbags, backpacks, gym bags, etc.
2. If the student refuses to cooperate in a personal search, the student should be held until the student's parent or guardian is available to consent to the search. If a parent or guardian cannot be reached in a reasonable time, the principal may conduct the search without the student's consent.
3. The search must not be excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.
4. A hand held metal detector may be used if there is reasonable suspicion that the search may find contraband.

5. Do not conduct a strip search or body cavity search of the student. Strip search/body cavity search is prohibited by law (RCW28A.600.230.3).

Locker, Desk, and Storage Area Searches

Lockers, desks, and storage areas are the property of the school district. Accordingly, students have no expectation of privacy in the lockers, desks, and storage areas they use or are assigned.

Because students have no expectation of privacy in their lockers, desks, and storage areas, principals or principal's designees may search all student lockers, desks, or storage areas at any time without prior notice and without reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rules.

Administrative inspections, or health and welfare inspections, may be conducted at any time to locate misplaced library books, textbooks, or other school property or to ensure that all lockers, desks, or storage areas are kept clean and free from potential health or safety hazards. Periodic inspections of lockers will reinforce the district's ownership of lockers, desks, and storage areas and the minimal expectation of privacy students have in the contents of their lockers, desks, and storage areas.

However, to search containers within a student's locker, desk, or storage area, reasonable suspicion must exist that the search will yield evidence of a violation of the law or school rules. A "container" for the purpose of this procedure may include, but is not limited to, an article of clothing, a handbag, purse, backpack, gym bag, or any other item in which contraband material may be concealed.

Systematic Breath-Alcohol Tests

Because it is a safety interest of the District, students attending a school-sponsored event may be asked to submit to a breath-alcohol test. Notice of this practice will be displayed at all school-sponsored activities. Any test instrument used for this purpose shall be a noninvasive breath alcohol screening device. Students who refuse the test or whose test reveals the presence of alcohol shall be denied entry to the event. When a student's breath test reveals the presence of alcohol, school authorities will inform the student that he or she is not permitted to drive a vehicle away from the event. An individual supervising the event will contact law enforcement and then notify the student's parent(s)/guardian(s).

School officials shall not impose student discipline that is based solely on the results of a breath-alcohol test used to deny entry to a school event. However, results of such a breath-alcohol test may be used to support discipline when combined with other evidence that a student has violated a rule of conduct contained in Procedure 3240P, including rules of conduct that prohibit students from being under the influence of alcohol at any school activity, function, or event. Once a student has been disciplined for an alcohol-related offense, they can expect to be screened with the breathalyzer on a regular basis at future school-sponsored events.

Administrative Search

The school may conduct an administrative search for contraband using a canine service. The school will post the following message I the school office: "In accordance with WVSD 208 Policy 3230, this

3230P

Students

campus may be subject to a canine search for contraband including controlled substances, alcoholic beverages, tobacco and firearms.”

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