

Student Privacy

Searches of Students and Their Property

A student is subject to search by District staff if reasonable grounds exist to suspect that evidence of a violation of the law or school rules will be uncovered. School staff shall 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 grounds

The following review of the basis for the search should occur before conducting a search:

1. Identify 1) the student's suspicious conduct, behavior, or activity; 2) the source of the information; and 3) the reliability of the source of such information.
2. If suspicion could be confirmed, would such conduct be a violation of the law or school rules?
3. Is the student likely to possess or have concealed any item, material, or substance which is itself prohibited or which would be evidence of a violation of the law or a school rule?
4. 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 his or her designee, determines that reasonable grounds exist to search a student's clothing, personal effects, desk, locker, assigned storage area, or automobile, the search shall be conducted as follows:

1. If evidence of criminal activity is suspected to be present, and prosecution by civil authorities will be recommended if confirmed by the search, consult law enforcement officials regarding the appropriateness of a search by a law enforcement officer.
2. If evidence of violation of a school rule is suspected, and if confirmed by the search will be handled solely as a student discipline action, proceed to search by asking the student to remove all items from pockets, purses, handbags, backpacks, gym bags, etc.
3. 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.

After the search

After the search is completed, school personnel will notify the student's parent/guardian that a search was conducted, explain the reasonable suspicion that led to the search, and inform the parent/guardian of the results of the search.

Locker Searches

Lockers, desks, and storage areas are the property of the school District. When assigned a locker, desk, or storage area, a student shall be responsible for its proper care. A student may be subject to a fine for any willful damage to school property. Students are encouraged to keep their assigned lockers closed and locked.

A student's locker desk or storage area may be searched by District staff if reasonable grounds exist to suspect that evidence of a violation of the law or school rules will be uncovered. School staff shall report a student's suspicious activity to the principal prior to initiating a search, except in emergency situations when the risk of harm to students or staff demands immediate action.

Building principals should refer to these procedures for conducting searches of students and their property for guidance in establishing whether a search is reasonable under the circumstances.

Principals may search all lockers, desks, or storage areas without prior notice given to students 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 for the purpose of locating misplaced library books, textbooks, or other school property or to ensure that all lockers, desks, or storage areas are being kept clean and free from potential health or safety hazards. Periodic inspections of lockers will reinforce the District's ownership of lockers and the minimal expectation of privacy students have in the contents of their lockers.

During a search of all student lockers, if the school official conducting the search discovers any container within the locker which may conceal contraband, the container may be searched according to District procedures governing searches of students and their property. A "container" for the purpose of this policy 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.

C. 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.

D. The school may conduct an administrative search for contraband using a canine service. The school will post the following message in the school office: “In accordance with WVSD 208 Policy 3230, this campus may be subject to a canine search for contraband including controlled substances, alcoholic beverages, tobacco and firearms.”

Date: 09.08

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