

## **GUIDELINES FOR SEARCHES OF PERSONS/PROPERTY**

**446-Rule**

The following guidelines have been developed to aid school personnel in conducting searches of school property and/or persons in a manner that is legally permissible.

### **Searches of Lockers and Desks**

Desks, lockers, books, I.D.'s and equipment are loaned to students and remain school property while in possession of the student. Such property is provided for the convenience of the student and shall be used only for authorized school purposes and in accordance with school rules. Students will be expected to reimburse the school district for damage to school property or the loss or theft of such property.

Administrators reserve the right to search the contents of students' lockers and desks at all times. Administrators will remove anything contrary to rules or detrimental to the school or safety of other students. Secondary students will be informed in writing of the procedures governing the use of lockers, desks, books and equipment, including the fact that possession of items which are contrary to law or school regulations shall be subject to seizure. Periodic scheduled and/or random searches will be conducted by the administrator or designee (school personnel) to see that lockers are being used in a manner consistent with district policy. Administrators will remove anything contrary to school rules or detrimental to the school or safety of other students.

Students will be expected to exercise discretion in bringing personal items to school, recognizing that any personal items in their lockers or desks or on their person which constitutes evidence of an illegal act or school rule violation, shall be subject to seizure.

### **Search and Seizure Procedures**

#### **Searches Conducted by School Personnel**

In addition to locker and/or desk inspections, other searches may be conducted by school personnel according to the following guidelines:

1. A search authorized by school personnel must meet a "reasonable suspicion" standard. Searches permitted by these guidelines will normally meet the "reasonable suspicion" test if the person has reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school and the measures adopted in conducting the search are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.
2. The principal, assistant principal, or their designee, shall be authorized to search a student's personal property including school bags, back packs, purses and the like, and motor vehicles on school property. Searches of a student's personal property, such as motor vehicles, handbags, backpacks and school bags, or other items in

the student's possession, may be conducted where, under the circumstances, school personnel have reasonable suspicion that a student has dangerous or illegal items in his or her possession. Searches of a student's person will be limited to clothing or items being carried. Strip searches will not be permitted by school personnel.

3. Any unauthorized item found in such searches may be removed and given to the parent or guardian of the student, returned to its rightful owner, or forwarded to law enforcement officials as the circumstances may warrant.

#### Searches by Law Enforcement Officers

Searches on school property may be conducted by law enforcement officers if they are working at the request of and in conjunction with school officials, if the officer has probable cause to believe the search will yield evidence of a crime, if the officer has a warrant, if the student consents to the search, if the student has been taken into custody, or if exigent circumstances exist (i.e. immediate safety concerns).

#### Canine Unit Searches

The School District of Phillips reserves the right to use canines trained for drug detection accompanied by law officials for purposes of the exploratory sniffing of the outside of lockers, vehicles parked on school property, and any other areas of school property deemed appropriate. This activity will be carried out on a random or periodic basis and/or when reasonable suspicion exists. The following specific procedures apply regarding the use of canine units.

1. Canines may be used without prior notification to students and/or school personnel.
2. Canines may be called by the school principal/designee with notification of the District superintendent/designee.
3. Use of canines may take place at any District facility if there is reasonable suspicion.
4. Students will be restricted to classrooms and kept out of hallways while canines are in use.
5. In the event of a canine "hit", the locker or other area will be searched further using established procedures.

*Adopted: 9/21/1998*

*Revised: 3/18/2013*