

STUDENTS - Series 500

502 Student Behavior and Discipline

502.10A Search and Seizure Regulation

I. Searches, in general

A. Reasonable and Articulable Suspicion: A search of a student will be justified when there are reasonable grounds for the suspicion that the search will discover evidence that the student has violated or is violating the law or school district policy, rules, or school regulations affecting school order.

Reasonable suspicion may be formed by considering factors such as the following:

1. eyewitness observations by employees;
2. information received from reliable sources;
3. suspicious behavior by the student; or,
4. the student's past history and school record although this factor alone is not sufficient to provide the basis for reasonable suspicion.

B. Reasonable Scope: A search will be permissible in its scope or intrusiveness when the measures adopted are reasonably related to the objectives of the search. Reasonableness of scope or intrusiveness may be determined based on factors such as the following:

1. the age of the student;
2. the sex of the student;
3. the nature of the infraction; and
4. the emergency requiring the search without delay.

II. Types of Searches

A. Personal Searches

1. A student's person and/or personal effects (e.g., purse, backpack, etc.) may be searched when a school official has reasonable suspicion to believe the student is in possession of illegal or contraband items or has violated school district policies, rules, regulations or the law affecting school order.
 - a. Personally intrusive searches will require more compelling circumstances to be considered reasonable. Pat-Down Search: If a pat-down search or a search of a student's garments (such as jackets, socks, pockets, etc.) is conducted, it will be conducted in private by a school official of the same sex as the student and with another adult witness of the same sex present, when feasible.

- b. A more intrusive search, short of a strip search, of the student's person, handbags, book bags, etc., is permissible in emergency situations when the health and safety of students, employees, or visitors are threatened. Such a search may only be conducted in private by a school official of the same sex as the student, with an adult of the same sex present unless the health or safety of students will be endangered by the delay which may be caused by following these procedures.

B. Locker and Desk Inspections

1. Although school lockers and desks are temporarily assigned to individual students, they remain the property of the school district at all times. The school district has a reasonable and valid interest in insuring the lockers and desks are properly utilized. For this reason, lockers and desks are subject to unannounced inspections and students have no legitimate expectations of privacy in the locker or desk. Periodic inspections of all or a random selection of lockers or desks may be conducted by school officials in the presence of the student or another individual. Any contraband discovered during inspections shall be confiscated by school officials and may be turned over to law enforcement officials.
2. Inspections may include the use of dogs trained for use in detecting controlled substances, explosives, etc. Any inspections shall be conducted by school officials, but law enforcement personnel may be present for handling of the dog(s).
3. In addition to periodic inspections, the contents of a student's locker or desk (coat, backpack, purse, etc.) may be searched when a school official has reasonable suspicion that the locker or desk contains illegal or contraband items or evidence of a violation of law or school policy, rules or school regulations affecting school order. Such searches should be conducted in the presence of another adult witness when feasible.

C. 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 the student parking lots. The interior of a student's automobile on the school premises may be searched if the school official has reasonable and articulable suspicion to believe that illegal, unauthorized or contraband items are contained inside.

STUDENT LOCKERS

Student lockers are the property of the school district. Students shall use the lockers assigned to them by the school district for storing their school materials and personal belongings necessary for attendance at school. It shall be the responsibility of students to keep their assigned lockers clean and undamaged.

To ensure students are properly maintaining their assigned lockers, the principal of the building may periodically inspect all or a random selection of lockers. Either students or another individual will be present during the inspection of lockers. Student lockers may also be searched, at any time and without advance notice, in compliance with board policy regulating search and seizure.

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Legal References: Iowa Code Ch. 808A (Supp. 1997).
Iowa Code SS 279.8; 280.14 (1997).