

SEARCHES OF STUDENTS

A search of a student's personal property of clothing should only be undertaken when there is a reasonable and particularized suspicion that the student is concealing an object(s) or substance(s) in violation of Midway School District (District) rules or which may be detrimental to the health, safety, or welfare of all students enrolled. The building Principal or Superintendent must authorize all searches.

When the Principal/Superintendent has reasonable suspicion that one or more students are carrying a prohibited object, article, or substance or are otherwise in possession of a prohibited object, article, or substance on school property or at a school-sponsored event, all personal property belonging to the suspected student(s) shall be subject to inspection. When determining the scope of a search, the Principal/Superintendent shall ensure that any measure adopted is reasonably related to the object of the search and not excessively intrusive in light of the age and gender of the student.

Search Procedure

For the purposes of this policy, personal property includes, but is not limited to, a student's vehicle, backpack, book bag, and/or purse. Students may also be asked to empty pockets; however, strip searches shall not be conducted.

Searches of persons should be conducted in private by a school employee of the same gender as the student with a school employee present as a witness.

Searches of Vehicles

The Principal or designee shall conduct searches of student vehicles if reasonable suspicion exists with a witness present. The Principal shall make a reasonable attempt to contact the student who owns the vehicle and ensure s/he is present during the inspection unless an emergency situation is deemed to exist. If a vehicle is locked and its owner cannot be contacted or refuses to open it, the Principal shall contact law enforcement.

Involvement of Law Enforcement

The Principal/Superintendent may request the assistance of law enforcement to conduct any portion of a school-initiated search of a student/student's personal property that would pose a safety threat if conducted by school staff.

In all other cases, law enforcement must have probable cause in order to search a student/student's personal property.

Illegal substances found during searches of students/students' personal property will be turned over to proper authorities.

Reporting Requirements

The administrator who authorized the search shall notify the Superintendent and parent/guardian whenever a search has been conducted.

Legal Ref:

- U.S. Constitution, Amendment I
- Doe V. Renfrow, 475 F. Supp. 1012 (N.D. Ind. 1979)
- Doe v. Renfrow, 631 F.2d 91 (7th Cir. 1980)
- M.M. v. Anker, 607 F.2d 488 (2d Cir. 1979)
- Picha v. Wielgos, 410 F. Supp. 1214 (N.D. Ill. 1976)
- Jones v. Latexo ISD, 499 F. Supp. 223 (E.D. Tex. 1980)
- Cormier v. Hardin-Jefferson ISD, Comm. Of Ed. Dec. (1981)