

## STUDENTS

Code No. 502.8

Policy Title: SEARCH AND SEIZURE

School district property is held in public trust by the board. School district authorities may, without a search warrant, search students or protected student areas based on a reasonable and articulable suspicion that a school district policy, rule, regulation or law has been violated. The search is in a manner reasonable in scope to maintain order and discipline in the schools, promote the educational environment, and protect the safety and welfare of students, employees, and visitors to the school district facilities. The furnishing of a locker, desk, or other facility or space owned by the school and provided as a courtesy to a student, even if the student provides the lock for it, will not create a protected student area and will not give rise to an expectation of privacy with respect to the locker, desk, or other facility.

School authorities may seize any illegal, unauthorized or contraband materials discovered in the search. Items of contraband may include, but are not limited to, nonprescription controlled substances, marijuana, cocaine, amphetamines, barbiturates, apparatus used for controlled substances, alcoholic beverages, tobacco, weapons, explosives, poisons and stolen property. Such items are not to be possessed by a student while they are on school district property or on property within the jurisdiction of the school district; while on school owned and/or operated school or chartered vehicles; while attending or engaged in school activities; and while away from school grounds if misconduct will directly affect the good order, efficient management and welfare of the school district. Possession of such items will be grounds for disciplinary action including suspension or expulsion and may be reported to local law enforcement officials. The board believes that illegal, unauthorized or contraband materials may cause material and substantial disruption to the school environment or presents a threat to the health and safety of students, employees, or visitors on the school district premises or property within the jurisdiction of the school district.

It shall be the responsibility of the superintendent, in conjunction with the principals, to develop administrative regulations regarding this policy.

Legal Reference: U.S. Const. amend. IV.  
New Jersey v. T.L.O., 469 U.S. 325 (1985).  
Cason v. Cook, 810 F.2d 188 (8th Cir. 1987), *cert. den.*, 482 U.S. 930 (1987).  
Iowa Code ch. 808A (2013).  
281 I.A.C. 12.3(6).

Cross Reference: 502 Student Rights and Responsibilities  
503 Student Discipline

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## SEARCH AND SEIZURE REGULATION

**REQUIREMENTS:** A student search must be based upon reasonable suspicion and must be reasonable in scope.

Reasonable Suspicion: A search of a student, student protected areas, and school lockers, desks and other assigned school facilities will only be justified when there are reasonable grounds for the suspicion that the search will turn up evidence that the student has violated or is violating the law or school rules or regulations.

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. (Note: this factor alone is not sufficient to provide the basis for reasonable suspicion.)

Reasonable Scope: A search will be permissible in its scope or intrusiveness when the methods and type(s) of search are reasonably related to the circumstances giving rise to the need for the search and are not excessively intrusive. Reasonableness of scope or intrusiveness may be determined based on factors such as the following:

- (1) the age of the student(s);
- (2) the gender of the student;
- (3) the nature of the infraction.

### **TYPES OF SEARCHES:**

#### Personal:

1. A student's protected areas (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 rules or regulations. Such a search may take place without the student being present, provided that the student is informed of the search either prior to or as soon as is reasonably practical after the search is conducted.
2. Personal searches of a student require more compelling circumstances to be considered reasonable.
  - (a) **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) While school authorities can not conduct a strip search, a more intrusive search, short of a strip search, of the student's person and personal effects 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.

Locker and Desk Inspections:

1. Inspections: Although school lockers and other school property are temporarily assigned to individual students, they remain the property of the school district at all times. The student has no expectation of privacy in any locker, desk, or other facility even though they are permitted to lock such school property assigned to them. Unannounced, periodic inspections of all or a random selection of student lockers, desks, and other school facilities may be conducted by school officials in the presence of the student or another person. Any contraband discovered during such searches shall be confiscated by school officials.
2. Searches: The contents of a student's locker and other assigned school property may be searched when a school official has a reasonable suspicion that such a search may yield evidence that the student has or is violating the law or a school rule and such a search would not be excessively intrusive. Such searches will be conducted in the presence of another adult witness, when feasible. Such a search may take place without the student being present, provided the student is informed of the search either prior to or as soon as is reasonably practical after the search is conducted.

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 suspicion that the search will produce evidence the student has or is violating the law or a school rule and the search is reasonably related to the objectives of the search and is not overly intrusive.

**SEARCH AND SEIZURE DOCUMENTATION**

Factors leading to a reasonable grounds to suspect that the search of this student or the student's protected areas, locker, desk or other assigned school facilities or automobile would turn up evidence that the student has violated or is violating the law, or school rules include:

1. WITNESS(S):

Who:

Date/Time:

Place:

What was seen/heard:

2. INFORMATION FROM A RELIABLE SOURCE:

From whom:

Time received:

How information was received:

Who received the information:

Describe information:

3. STUDENT'S SUSPICIOUS BEHAVIOR (DESCRIBE):

4. STUDENT'S PAST HISTORY (DESCRIBE):

Search Details

1. Time of search:

2. Location of search:

3. Was student told the purpose of the search?

4. Was consent of student requested?

Search Factors (scope and intrusiveness)

1. Nature and violation for which the search was conducted:

2. Gender of the student:

3. Age of the student:

4. Objectives of the search:

5. Type of search conducted:

6. Person conducting search:

Position: \_\_\_\_\_ Gender:

7. Witness(s):

Explanation of Search

1. Describe the time and location of the search:

2. Describe exactly what was searched:

3. What did the search yield:

4. What was seized:

5. List any materials turned over to law enforcement officials:

6. Were parents notified of the search including the reason for it and the scope: