

STUDENT PRIVACY AND SEARCHES

At certain ages, students attain the right to decide for themselves what records will remain confidential, even from their parents, and what activities the student will participate in. At age eighteen students become legal adults and must approve any disclosure of information about themselves from school records, except directory information if a request for confidentiality has not been filed. Students at age eighteen may also sign releases, authorizations or permission slips to participate in school activities, and may sign themselves out of school and authorize their own absences. Students between sixteen and eighteen who have been granted legal emancipation from their parents or guardians have the same rights as eighteen year old students. Students over fourteen years of age have the right to keep private from everyone any district records indicating that they have been tested or treated for a sexually transmitted disease. Students thirteen years and older have confidentiality rights in records regarding drug, alcohol or mental health treatment. All students have confidentiality rights in family planning or abortion records.

1. Searches of Students and Personal Property

Personal privacy is a fundamental aspect of individual liberty. All students possess the constitutional right to be secure in their persons, papers, and effects against unreasonable searches and seizures. Staff shall take particular care to respect students' privacy.

School officials have authority to maintain order and discipline in the schools and to protect students from exposure to illegal drugs, weapons, and contraband. The superintendent, the principal, and other staff designated by the superintendent shall have the authority to conduct reasonable searches on school property as provided by board policy.

A search is required when there are reasonable grounds to suspect a student has a firearm on school grounds, transportation or at school events.

Prior to conducting a search, school officials shall ask that the student consent to be searched by removing all items from pockets or other personal effects. If the student refuses to consent to the search, school officials may proceed to search the student, the student's personal belongings, and the student's locker, as follows:

- A. Any search of a student conducted by a school district employee must be reasonably related to the discovery of contraband or other evidence of a student's violation of the law or school rules.

For the purpose of this policy, "contraband" means items, materials, or substances the possession of which is prohibited by law or district policy, including but not limited to, controlled substances, alcoholic beverages, tobacco products, or any object that can reasonably be considered a firearm or a dangerous weapon.

- B. Staff shall conduct searches in a manner which is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

No student shall be subject to a strip search or body cavity search by school staff.

School officials may consult with local law enforcement officials regarding the advisability of a search on school premises by a law enforcement officer if evidence of criminal activity is likely to be seized.

The superintendent shall develop procedures regulating searches of students and their personal property.

2. Locker Searches

Students may be assigned lockers for storing and securing their books, school supplies, and personal effects. Lockers, desks, and storage areas are the property of the school district. No right nor expectation of privacy exists for any student as to the use of any space issued or assigned to a student by the school and such lockers and other spaces are subject to search in accordance with district policy.

No student may use a locker, desk, or storage area as a depository for any substance or object which is prohibited by law or school rules or which poses a threat to the health, safety or welfare of the occupants of the school building or the building itself.

Any student's locker, desk, or other storage area shall be subject to search if reasonable grounds exist to suspect that the search will yield evidence of the student's violation of the law or school rules. Any search of an individual student's locker shall be conducted according to board policy governing personal searches.

All student lockers may be searched at any time without prior notice and without reasonable suspicion that the search will yield evidence of any particular student's violation of the law or

school rules. If the school official conducting such a search develops a reasonable suspicion that any container inside the locker, including but not limited to a purse, backpack, gym bag, or an article of clothing, contains evidence of a student's violation of the law or school rules, the container may be searched according to board policy governing personal searches.

The superintendent shall establish procedures for conducting searches of lockers, desks, or storage areas.

Cross References: Board Policy 3414 Infectious Diseases
3231 Student Records

Legal References: RCW 13.64.060 Power and Capacity of emancipated minor
28A.320.040 Bylaws for board and school government
28A.600.020 Government of schools, pupils, employees, rules and
Optimum learning atmosphere
28A.600.210- 240 School official searches of student lockers
WAC 180-40-215 Student rights

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Orcas Island School District

1. 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.**

Establishing reasonable grounds. The following review of the basis for the search should occur before conducting a search:

- A. 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.
- B. If suspicion could be confirmed, would such conduct be a violation of the law or school rules?
- C. 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?

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:

- A. 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.
- B. 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.
- C. 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.

2. 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.

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