

## **Policy Code: 4342 Student Searches**

School officials have the authority to conduct reasonable searches of students and to seize students' unauthorized materials for the purposes of maintaining a safe, orderly environment and upholding standards of conduct established by the board or school. Any searches or seizures must be conducted in accordance with the standards described in this policy and any other applicable legal requirements. All school officials carrying out a search or seizure are expected to be knowledgeable about the constitutional rights of students and the appropriate procedures for conducting the search or seizure. A search must be justified at its inception and permissible in scope. School officials shall make reasonable, good faith efforts to investigate allegations of misconduct before a student search is conducted.

This policy applies to searches conducted on school grounds, in school facilities, or at school-sponsored events.

School computers and any data they contain remain under the control of the school and are subject to inspection at any time. The Technology Responsible Use policy also applies to the search of school system-owned technological resources and the data located on school system-owned electronic equipment.

### **A. Searches Based on Individualized Reasonable Suspicion**

A student or the student's possessions may be searched when a school official has reasonable suspicion that the search will turn up evidence that the particular student has violated or is violating a specific law or school rule. A school administrator who conducts an individualized search under this subsection shall promptly notify the student's parent or guardian of this search.

Reasonable suspicion is defined as: based upon specific and articulable facts, which have been acquired through reliable and/or corroborated information from employees, students, law enforcement officers, or other credible sources, or upon visual or other evidence (e.g., the smell of alcohol or marijuana, an alert from a metal detector or drug dog) viewed in light of the totality of the circumstances and the school official's professional judgment.

The scope of the search and the methods used to conduct the search must be reasonably related to the objectives of the search and not excessively intrusive in light of the age and gender of the student and the nature of the infraction.

Reasonable suspicion is not required if a student freely and voluntarily consents to the search of his or her person or possessions.

In accordance with the standards described above, the board authorizes the following types of searches based on reasonable suspicion.

## 1. Searches of Personal Effects, Belongings, and Devices

School officials may search a student's desk, locker, and/or personal effects, including but not limited to purses, book bags, outer clothing, as well as the student's mobile phone, laptop computer, or other digital device. As with all searches based on reasonable suspicion, the scope of any such search must be reasonably related to the objectives of the search and not excessively intrusive in light of the suspected infraction. For example, an administrator's reasonable suspicion that a student has sent text messages to arrange a drug transaction at school may justify a search of the student's text messages but would not, in itself, justify a search of the phone's image files.

## 2. Searches of Motor Vehicles

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 student parking lots and inspections of the exteriors of student automobiles on school property. School officials may search the interior of a student's motor vehicle based on reasonable suspicion. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

## 3. "Pat-down" Searches

A school official may conduct a frisk or "pat-down" search of a student's person. The search must be conducted in private by a school official of the same gender with an adult witness present.

## 4. More Intrusive Personal Searches

More intrusive personal searches are discouraged and are to be used only in very limited circumstances and only with prior approval of the Senior Director of Security. A personal search is more intrusive when it extends beyond a student's personal effects and outer clothing and potentially exposes intimate body parts and/or undergarments. Such intrusive personal searches will be permissible only if: (1) the school official has reasonable suspicion that a search of a particular student will yield dangerous contraband (e.g., drugs or weapons); and (2) the school official has reasonable suspicion that the student has hidden the contraband in his or her undergarments. This search must be conducted in private by a school official of the same gender, with an adult witness of the same gender present, and only with the prior approval of the Senior Director of Security, unless the health or safety of students will be endangered by the delay that might be caused by following these procedures. Body cavity searches and searches that require a student to completely disrobe are strictly prohibited.

## 5. Metal Detector Searches

A metal detector may be used to search a student's person and/or personal effects. The search must be conducted by a school official and, except as provided in Section B.2, below, will be done in private, when feasible.

## 6. Breathalyzer Tests

A breathalyzer test may be administered based on reasonable suspicion that a specific student is under the influence of alcohol or has recently consumed alcohol. The breathalyzer test must be conducted by a school official and, except as provided in Section B.4, below, will be done in private, when feasible.

### **B. Suspicionless General Searches**

In an effort to maintain a safe, drug-free, and weapon-free learning environment, school officials may conduct certain types of general, suspicionless searches in the schools. All general searches must be conducted in a minimally-intrusive, nondiscriminatory manner (e.g., all students in randomly selected classrooms, every third individual entering a school-sponsored extracurricular activity) and may not be used to single out a particular individual or category of individuals. The searches must be conducted in accordance with standardized procedures established by the superintendent or designee.

When conducted in accordance with the standards described above and any corresponding procedures, the board authorizes the following types of general, suspicionless searches.

#### 1. Searches of Desks and Lockers

School officials may conduct routine searches of student desks and lockers. Student desks and lockers are school property and remain at all times under the control of the school. However, students are expected to assume full responsibility for the security of their desks and lockers. Student desks and lockers may not be used to store illegal, unauthorized, or contraband materials.

A student's personal effects found within a desk or locker, such as a backpack, gym bag, or purse, may be searched only in accordance with the guidelines for individualized searches of personal effects described in Section A, above.

#### 2. Metal Detector Searches

Due to the increasing problem of weapons in schools, school officials may use metal detectors to conduct general point-of-entry searches of students and other persons for weapons. Additionally, school officials may conduct metal detector searches of groups of individuals if the checks are done in a minimally intrusive, non-discriminatory manner (e.g., on all students in a randomly selected class; on every third individual entering an athletic event). Metal detector searches of groups of individuals may not be used to single out a particular individual or category of individuals.

### 3. Use of Trained Dogs

With the prior approval of the superintendent or designee, and in conjunction with local law enforcement, school officials may use trained dogs (canines) to locate illegal materials. All dogs must be accompanied by a certified and authorized trainer who is responsible for the dog's actions and who is able to verify the dog's reliability and accuracy in sniffing out illegal material. Trained dogs may sniff lockers, desks, book bags, motor vehicles, and other inanimate objects. Dogs may not be used to sniff students or other persons under any circumstances. No students should be present during a dog search. Before a search occurs in a classroom, students will first be moved to a location outside the classroom.

### 4. Breathalyzer Tests

With the prior approval of the Superintendent or designee, school principals are authorized to require entry point breathalyzer tests on students as a condition of attending or participating in non-compulsory extracurricular activities or school sponsored events (such as the prom). The breathalyzer tests shall be administered on all such students.

## **C. Seized Items**

Any illegal contraband seized by school officials must be promptly turned over to the proper law enforcement authorities.

## **D. Failure to Cooperate**

A student's failure to cooperate with a reasonable search or seizure as provided in this policy will be considered a violation of the expected standard of behavior, and will subject the student to appropriate consequences.

Any person who is not a student who refuses to permit a general metal detector search of his or her person and/or belongings at the point-of-entry to a school-sponsored activity may be denied entry to the activity.

## **E. Notice**

School principals shall take reasonable steps to provide notice of this policy to students and parents at the start of each school year.

Legal References: [U.S. Const. amend. IV](#); [New Jersey v. T.L.O.](#), 469 U.S. 325 (1985), [Safford United School District #1 v. Redding](#), 557 U.S. 364 (2009); [G.S. 115C-47, -288, -307, -390.2](#)

Adopted: June 6, 2017

Revised: May 7, 2019

**Wake County Board of Education**