

## SEARCH AND SEIZURE

The Board of Education has charged school authorities with the responsibility of safeguarding the safety and well being of the students in their care. In the discharge of that responsibility, school authorities may search school property such as lockers, closets and desks, used by students or the person or property, including vehicles, of a student, in accordance with the following policy:

*In order to maintain order, safety, and security in the schools, school authorities are authorized to conduct reasonable searches of school property and equipment, as well as of students and their personal effects. "School authorities" includes school liaison police officers.*

### **School Property**

The Board acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have an expectation of privacy as to prevent examination by a school official. All storage places remain District property that is subject to search at any time, with or without notice. The Board directs the school principals to conduct a routine inspection at least annually of all such storage places.

*School authorities may inspect and search school property and equipment owned or controlled by the school (such as, lockers, desks, and parking lots), as well as personal effects left there by a student, without notice to or the consent of the student. Students have no reasonable expectation of privacy in these places or areas or in their personal effects left there. All storage places remain District property that is subject to search at any time, with or without notice.*

### **Student Person and Possessions**

The Board recognizes that the privacy of students or his/her belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion or in an unreasonable manner. The extent of the search will be governed by the seriousness of the alleged infraction, the student's age, the circumstances of the case, and the student's disciplinary history. *Under no circumstances shall a school authority ever conduct a strip search of a student.*

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This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.

~~In a situation in which a search of a student's person or possessions is appropriate, school administrators should first attempt to contact the school liaison officer to conduct the search under the administrator's direction. If the officer is not available, the administrator may proceed with the search, unless the information justifying the search suggests that the student is in possession of dangerous materials whereby the expertise of law enforcement is necessary. In such a case, the school official shall contact law enforcement and request their assistance. Under no circumstances shall a school official ever conduct a strip search of a student.~~

*School authorities may search a student and/or the student's personal effects in the student's possession (such as, purses, wallets, knapsacks, book bags, lunch boxes, electronic devices, etc.) When there is a reasonable ground for suspecting that the search will produce evidence the particular student has violated or is violating either the law or the school or district's student rules and policies. The search will be conducted by a school authority of the same sex as the student in a manner that is reasonably related to its objective of the search and not excessively intrusive in light of the student's age, sex, and the nature of the infraction*

*The building administrator may request the assistance of law enforcement officials to conduct inspections and searches of lockers, desks, parking lots, and other school property and equipment for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs.*

*If a search produces evidence that the student has violated or is violating either the law or the school or district's policies or rules, evidence may be seized and impounded by school authorities, and disciplinary action may be taken. When appropriate, evidence may be transferred to law enforcement authorities.*

Permission for a student to bring a vehicle on school property shall be conditioned upon consent of the search of the vehicle and all containers inside the vehicle by a school administrator ~~authorities~~ with reasonable suspicion to believe the search will produce evidence of a violation of law, a school rule, or a condition that endangers the safety or health of the student driver or others. ~~The student shall have no expectation of privacy in any vehicle or in the contents of any vehicle operated or parked on school property.~~ If an administrator determines a search is necessary, s/he should request consent to search the vehicle and all containers inside the vehicle. If consent is not given, a school administrator may proceed with the search. An administrator may contact the police liaison officer or law enforcement agency for assistance in conducting a search.

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The student shall have no expectation of privacy in any vehicle or in the contents of any vehicle operated or parked on school property or on property under District supervision.

Administrators are authorized to arrange for the use of breath-test instruments with appropriate, trained law enforcement authorities for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to determine blood-alcohol level, since the Board has established a zero tolerance for alcohol use.

Except as provided below, a request for the search of a student or a student's possessions will be directed to the principal, *or designee*. S/He shall attempt to obtain the freely-offered consent of the student to the inspection; however, provided there is reasonable suspicion, s/he may conduct the search without such consent. Whenever possible, a search will be conducted by the principal, or designee, in the presence of the student and a staff member other than the principal. A search prompted by the reasonable belief that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

Search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender, and only in exceptional circumstances when the health or safety of the student or of others is immediately threatened.

### **Use of Dogs**

The Board authorizes the use of specially-trained dogs to detect the presence of drugs and devices such as bombs on school property under the following conditions:

- A. The presence of the dogs on school property is authorized in advance by the Superintendent or is pursuant to a court order or warrant.
- B. The dog must be handled by a law enforcement officer or certified organization specially trained to safely and competently work with the dog.
- C. The dog is represented by the Sheriff or Chief of the law enforcement agency providing the service as capable of accurately detecting drugs and/or devices.

- D. The dog may be allowed to examine school property such as lockers as permitted by the building principal. Any limitation as to areas of school property to be examined by the dog shall be established by the Superintendent at the time the use of dogs is authorized.
- E. Following a dog search, the building administrator shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of informant if any; the persons present when the search was conducted; any substances or objects found and the disposition made of them; and any subsequent action taken. The principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student

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The Superintendent may request the assistance of a law enforcement agency in implementing any aspect of this policy. Where law enforcement officers participate in a search on school property or at a school activity pursuant to a request from the Superintendent, the search shall be conducted by the law enforcement officers in accordance with the legal standards applicable to law enforcement officers.

Anything found in the course of a search pursuant to this policy which constitutes evidence of a violation of a law or a school rule or which endangers the safety or health of any person shall be seized and utilized as evidence if appropriate. Seized items of value shall be returned to the owner if the items may be lawfully possessed by the owner. Seized items that may not lawfully be possessed by the owner or may be determined to cause disruption to the learning process or interfere with safety and security shall be retained and/or destroyed.

The Superintendent shall prepare administrative guidelines to implement this policy.

105 ILCS 5/10-22.10a  
U.S. Constitution, 4th Amendment

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