

Search and Seizure

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. School officials may also conduct periodic inspections of all, or a randomly selected number of, school lockers, desks, and other facilities or spaces owned by the district and provided as a courtesy to a student.

The only staff members with authority to conduct searches and/or seize items are employees who are certified administrators and School Resource Officers (SRO), unless there is an emergency. In emergencies, such as situations in which the health or safety of a student or employee is compromised or evidence of misconduct could be lost or destroyed, another school official may conduct a search and/or seize items.

A. Lockers/Desks

1. 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.
2. Lockers and desks remain at all times the property of the District and are temporarily assigned to individual students.
3. The District has a reasonable and valid interest in ensuring the lockers and desks are properly maintained. For this reason, lockers and desks are subject to maintenance inspections and/or other unannounced inspections.
4. Periodic inspections of all or a random selection of lockers or desks may be conducted in the presence of the student or another individual.
5. The contents of a student's locker or desk may be searched when there is reasonable and articulable suspicion that a District policy, rule, regulation or law has been violated. Such searches should be conducted in the presence of another adult witness when feasible.

B. Personal Searches

1. A student's person and/or personal effects (e.g., purse, book bag, cell phone or other electronic device, or other container used for carrying personal items) may be searched when there is reasonable and articulable grounds for the suspicion that the search will turn up evidence that the student has violated a District policy, rule, regulation or law. Such searches should be conducted in the presence of another adult witness when feasible.

Reasonable suspicion may be formed by considering such factors as:

- a. eyewitness observations by school personnel;
- b. information received from reliable sources;
- c. suspicious behavior by the student; ~~or~~
- d. the student's past history and school record, although this factor alone is not sufficient to provide the basis for reasonable suspicion; or
- e. as a contracted condition of student's attendance.

A search is reasonable in scope when the measures adopted are reasonably related to the objectives of the search. Reasonableness of scope or intrusiveness may be determined based on:

- a. the age of the student;
 - b. the gender of the student;
 - c. the nature of the infraction; and
 - d. the existence of an emergency situation requiring the search without delay.
2. Personally intrusive searches shall require more compelling circumstances to be considered reasonable. When feasible, the administrator will attempt to notify the parent/guardian of a search which may be considered personally intrusive.
- a. A pat-down search or a search of a student's person and/or clothing (including shoes) will be conducted in private by a school official of the same gender with another adult witness present.
 - b. Strip searches, body cavity searches, and the use of a drug-sniffing animal to search a student's body are prohibited.
 - c. Every reasonable effort should be made to have the student voluntarily produce contraband materials thought to be concealed. Force should not be used when students resist search efforts unless there is strong cause to believe the contraband constitutes an immediate threat to the student or other persons. In the event a student resists or appears to resist a search, an effort should be made to detain the student and the police should be called.

C. Vehicle Searches

Students are permitted to park on school premises as a matter of privilege, not of right. Designated school employees may conduct routine patrols of the student parking lots. The interior of a student's vehicle, when on school premises, may be searched if there is a reasonable and articulable suspicion to believe that a District policy, rule, regulation or law has been violated. (Reasonable suspicion is defined in this regulation. Such searches should be conducted in the presence of the student driver when feasible and/or another adult witness when feasible.

D. Searches by Law Enforcement Officers

The search of a student or of protected student areas by a law enforcement officer or by an administrator at the invitation or direction of such an officer shall be governed by statutory and common law requirements.

E. Contents of Search

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.

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

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