

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 18, 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 18 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 16 and 18 who have been granted legal emancipation from their parents or guardians have the same rights as 18-year old students. Students over 14 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 13 years and older have confidentially 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, school 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. Whenever reasonably possible, searches of a student shall be performed in the presence of another school employee of the same sex as the student being searched.

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

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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 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 school 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.

3. Detection Canines

The Board of Directors is committed to providing students and employees with schools and work places that are free of drugs and weapons. To that end, the board prohibits the presence of drugs, controlled substances, weapons of any type, explosive devices, alcohol, and non-authorized medication on district property or at any district-sponsored event.

The board, based on current state of Washington law, declares that using a dog to sniff air around items or places listed in the policy is not a search. The board continues to adhere to the policy that no actual search will be conducted without a particularized reasonable suspicion or belief that evidence of a rule violation will be found. At no time will any person be subjected to inspection by the detection canine.

In conjunction with other district security measures, a trained dog may be used to sniff the air for prohibited items outlined in this Policy. The specific areas sniffed may be lockers, unoccupied classrooms, unattended desks, bags, items, or vehicles that are on district property or at a district sponsored event. Students who elect to park cars on district property waive an expectation of privacy and agree that the vehicle may be sniffed. A dog's alert constitutes

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reasonable suspicion to search and only the dog's official handler will determine what constitutes an alert by the dog. If the dog alerts on a particular item or place, the person(s) bringing the item onto district property, or responsibility for that place or item, will be called to the scene as outlined in district policy to witness the search by school official(s). All searches shall be made in compliance with district policy and applicable law.

Discovery of a prohibited substance or item may result in referral to law enforcement and/or disciplinary action in keeping with district policy for students.

The above inspections may be unannounced and shall be made at the discretion of the superintendent or designee. Students and parents/guardians shall be informed of this policy at the beginning of each school year.

Cross References: Board Policy 3414 Infectious Diseases
3231 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 Exclusion of student from classroom – Written disciplinary procedures – Long-term suspension or expulsion
28A.600.210-240 School official searches of student lockers
WAC 180-40-215 Student rights

Management Resources: *Policy News*, June 1999 School Safety Bills Impact Policy