

## **272 SEARCHES OF STUDENTS**

The primary function of the public schools is education. In order to serve this function, the schools must maintain discipline and order, and the schools must provide students with physical safety and security.

School officials and teachers act in loco parentis to the students during the time students are under their supervision.

To provide an orderly and safe school environment, the school must control the behavior of students and prevent the introduction by students of harmful, damaging, unlawful, or deleterious items onto the school premises. The law, therefore, permits school authorities to search students, their personal possessions, their desks, and lockers under appropriate circumstances.

A decision to search a student, his/her possessions, or any school property or area assigned to him/her for his/her individual use shall be made in accordance with the following guidelines:

### **STUDENT'S RIGHTS AND RESPONSIBILITIES**

The student has a right of privacy in his/her person, his/her personal belongings and effects, and his/her personal automobile parked on school grounds; but that right is limited by the needs of all students for a safe, calm, and orderly school environment.

Students shall not carry, conceal, or bring onto the school premises any material that is prohibited by law, published school rules, regulations, or policies; nor shall they carry, conceal, or bring onto the school premises any material that will detract from the maintenance of a calm, orderly, and safe school environment.

### **SEARCHES**

A teacher, administrator, or other school employee designated by an administrator may search the person of any student, the personal effects in the student's possession, or the student's automobile parked on school grounds, under any of the following circumstances:

1. The search is made in connection with a lawful arrest.
2. The search is made with the voluntary consent of the student.
3. The search is conducted on the reasonable suspicion that the student is:
  - a. Engaged in an activity that violates a law or published Oasis Academy rule, regulation, or policy; or
  - b. Carrying, concealing, or sequestering material the possession of which is prohibited by law or by published Oasis Academy rule, regulation, or policy.

If the search is made with the consent of the student, there should be a witness to the obtaining of the consent to the search.

The teacher, administrator or other designated school employee making the search shall be of the same sex as the student searched, unless the need for an immediate search requires a search by a teacher, administrator, or school employee of the other sex. When the search is made by someone of a different sex than the student searched, there should be a witness to the search.

The search of a desk or locker assigned to a student may be done at any time pursuant to either of the following rules:

1. The search is made to maintain discipline and protect the students from the introduction into the school of offensive or undesirable materials, or
2. The search is made on the reasonable suspicion that the student is
  - a. Engaged in an activity that violates a law or a published Oasis Academy rule, regulation, or policy; or
  - b. Using the school property in the form of a locker or desk for illegal or wrongful purposes or to sequester material the possession of which is prohibited by law or by published Oasis Academy rule, regulation, or policy.

In all other cases, a search warrant should be obtained before a search is conducted.

#### REASONABLE SUSPICION

In those cases requiring a reasonable suspicion as the basis for the search, the school official, or employee authorizing the search, shall have a reasonable suspicion that the fruits or implements of a crime or unlawful act will be found, or that a weapon or other material the possession of which is prohibited by law or by Oasis Academy rules, regulations, or policies will be found. A reasonable suspicion is a subjective, good faith belief supported by objective facts which may include, but are not limited to, the student's age, history, and record in the school, the reliability of the information giving rise to the suspicion and the seriousness and prevalence of the problem in the school. The required "reasonable suspicion" must be based on facts relating to a particular student whose person, belongings, automobile, desk, or locker is to be searched and such suspicion must arise immediately prior to the proposed search.

#### LIMITATIONS ON RIGHT OF PRIVACY: LOCKERS AND DESKS

The student does not have the exclusive right to possession of the locker or desk to which he or she is assigned, and the school reserves the right to conduct searches of lockers and desks as outlined above. Each student shall accept and use the assigned locker or desk on such basis.

#### CANINE SEARCHES

The school may conduct canine searches of school hallways, lockers, classrooms, buildings, parking lots, and other school property through the use of a canine unit. A canine unit consists of a qualified handler and a dog specially trained to detect illegal or prohibited substances, weapons, or bombs.

If a teacher, administrator, other school official, employee, school police, or security personnel, have a reasonable suspicion to believe that a student or students have in his/her/their possession a weapon or a controlled substance or material that is prohibited by law or Oasis Academy rules, regulations, or policies, a search may be conducted of a student by the canine unit on campus. Such a search of a student may only be conducted on reasonable suspicion, described above under REASONABLE SUSPICION.

#### ROLE OF LAW ENFORCEMENT AGENCIES

School personnel should call for assistance from local law enforcement authorities when there is reason to believe the situation is dangerous.

If a search by school personnel results in the discovery of materials the possession of which law prohibits, local law enforcement officials shall be notified and the materials shall be turned over to them.