

POLICY NO. 5540
Adopted: 1-10-96
Revised: 12-12-18

SEARCHES OF STUDENTS AND THEIR PROPERTY

POLICY:

State law provides that 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 eighteen 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 eighteen 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 sixteen and eighteen who have been granted legal emancipation from their parents or guardians have the same rights as eighteen year old students. Students over fourteen 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 thirteen years and older have confidentiality rights in records regarding drug, alcohol, or mental health treatment. All students have confidentiality rights in family planning or abortion records.

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 will 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 will 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, transportation or at school events.

All students in the Lake Stevens School District shall be free from unreasonable searches of their persons, clothing, and other personal property. However, a student is subject to search by school officials if reasonable grounds exist to suspect that the search will yield evidence of a student's violation of the law or school rules governing student conduct.

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, e-cigarette or vaping device, 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.

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

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.

Legal References:

RCW 13.64.060 Power and capacity of emancipated minor
RCW 28A.320.040 Bylaws for board and school government
RCW 28A.600.020 Exclusion of student from classroom — Written disciplinary procedures — Long-term suspension or expulsion
RCW 28A.600.210 through 240 School locker searches
RCW 28A.600.420 Firearms on school premises, transportation, or facilities – Penalty-Exemptions

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PROCEDURES:

A student is subject to search by district staff if reasonable grounds exist to suspect that evidence of a violation of the law or school rules will be uncovered. School staff shall report a student's suspicious activity to the principal prior to initiating a search, except in emergency situations.

Establishing reasonable grounds. The following review of the basis for the search should occur before conducting a search:

- A. Identify (1) the student's suspicious conduct, behavior, or activity; (2) the source of the information; and (3) the reliability of the source of such information.
- B. If suspicion could be confirmed, would such conduct be a violation of the law or school rules?
- C. Is the student likely to possess or have concealed any item, material, or substance which is itself prohibited or which would be evidence of a violation of the law or a school rule?

Conducting the search. If the principal, or his or her designee, determines that reasonable grounds exist to search a student's clothing, personal effects, desk, locker, assigned storage area, or automobile, the search shall be conducted as described below. All searches will be performed by the principal or designee and another school employee.

- A. If evidence of criminal activity is suspected to be present, and prosecution by civil authorities will be recommended if confirmed by the search, consult law enforcement officials regarding the appropriateness of a search by a law enforcement officer.
- B. If evidence of violation of a school rule is suspected, and if confirmed by the search will be handled solely as a student discipline action, proceed to search by asking the student to remove all items from pockets, purses, handbags, backpacks, gym bags, etc.

- C. If the student refuses to cooperate in a personal search, the student should be held until the student's parent or guardian is available to consent to the search. If a parent or guardian cannot be reached in a reasonable time, the principal may conduct the search without the student's consent.