

Descriptor Term:
INVESTIGATIONS

Descriptor Code:
4.3603

Legal References: U.S. Const. amend. IV; G.S. 115C-47, -288, -307, -391

Cross References:

Students have rights which have been established and guaranteed by the Fourth Amendment to the United States Constitution protecting their right of privacy of their person and freedom from unreasonable search and seizure of their property. Correspondingly, the school district has a responsibility to maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel. In furtherance of these objectives, school authorities may search a student, student lockers or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized or contraband materials discovered in the search.

As used in this policy, the term "unauthorized" means any item dangerous to the health or safety of students or school personnel, or disruptive of any lawful function, mission or process of the school, or any item described as unauthorized in school rules published and made available to the student.

A student's failure to permit searches and seizures as provided in this policy will be considered grounds for disciplinary action.

Personal Searches

A student's person and/or personal effects (e.g., purse, book bag, etc.) may be searched whenever a school authority has reasonable suspicion to believe that the student is in possession of illegal or unauthorized material and that the material could be found on the student's person or in the personal effects, given its size or shape. Reasonable suspicion is not required if a student freely, voluntarily and knowingly consents and agrees to the search of his or her person or personal effects.

If a frisk or "pat down" search of a student's person is conducted, it will be conducted in private by a school official of the same sex and with an adult witness present, when feasible.

If the school official has reasonable suspicion to believe that the student has on his or her person an item imminently dangerous to the student or to others, a more intrusive search of the student's person may be conducted. Such a search may be conducted only in private by a school official of the same sex, with an adult witness of the same sex present, and only upon the prior approval of the superintendent or his or her designee, unless the health or safety of students will be endangered by the delay which might be caused by following these procedures.

Metal Detectors

A metal detector can be used to search a student's person and/or personal effects whenever a school authority has reasonable suspicion to believe that the student is in possession of a weapon. The search must be conducted by a school official. The search will be conducted in private, when feasible.

A school is authorized to conduct general searches of students and their personal effects with a metal detector before a student can gain entry to the school campus or any school-sponsored extracurricular

activity. The search must be conducted in accordance with procedures established by the superintendent or his or her designee. Prior to initiating general searches, the school must: (1) substantiate to the superintendent the need for general searches based upon a pattern or expectation of violence or disruption; and (2) provide written notice, if feasible, to students and parents of the school policy for general searches, but not of specific times or places where searches will be conducted. Any search conducted pursuant to this policy must be conducted by a school official.

Locker Searches

Student lockers are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers. Student lockers may not be used to store illegal, unauthorized or contraband materials. Inspections of lockers may be conducted by school authorities for any reason consistent with board policies, the code of student conduct, or school rules and regulations, at any time, without notice, without consent, and without a search warrant. A student's personal effects, such as backpacks, gym bags or purses, may be searched only pursuant to guidelines for personal searches described above.