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| <b>Eagle Butte School District</b> | <b>NEPN Code: JFG</b> |
| <b>Policy Manual</b>               |                       |

## **STUDENT SEARCHES**

The school has the responsibility to provide students and staff with a safe and secure learning environment. The school recognizes that there are circumstances that will justify the search of students and their possessions. This policy is designed to balance each student's right to privacy and the need to maintain an appropriate learning environment. School administrators are authorized to make searches of students, students' personal property and vehicles and school owned/provided property under the conditions outlined below.

This policy is applicable to students and/or their property while on school property; traveling in a vehicle controlled by the school; or present at or engaged in a school-sponsored or school-directed activity immediately before, after or during the school day.

### **SEARCHES OF SCHOOL PROPERTY**

"School owned/provided property" includes, but is not limited to buildings, parking lots, lockers, desks, instruments, electronic devices, storage containers, storage areas, computer systems and equipment, voice-mail, and vehicles. This property is intended for use for educational purposes and school business only.

Students do not have an expectation of privacy in school owned/provided property. Lockers, desks, technology and other school owned/provided property are temporarily assigned to individual students, but remain the property of the school. The school retains exclusive control over this school property, and student should not expect privacy or confidentiality when using school owned/provided property or regarding items placed in or on school owned/provided property.

The following rules apply to the search of school owned/provided property assigned to a specific student (locker, desk, etc.), and the seizure of items in their possession:

1. **Maintenance Searches**: General housekeeping and maintenance inspections of school owned/provided property may be conducted by school staff if instructed by the principal at any time without notice, without the student's consent and without a search warrant. Any contraband discovered during such searches will be confiscated by the administration and school discipline may apply to any items or information found.
2. **Non-Maintenance Searches**: School owned/provided property and its contents may be searched by a school administrator when reasonable suspicion exists that illegal, unauthorized, or contraband items are contained in the school owned/provided property (such as a locker, desk, or other storage space). Whenever possible the student should be aware of and be involved in a search of such property. Emergency situations may necessitate a search with or without the student's knowledge or consent. Searches should be conducted in the presence of another adult witness.

3. Administration will consider the intrusiveness of the search in light of the age, gender, and the nature of the alleged violation. The scope of any search will be limited to only what is necessary due to the policy/rule violation under investigation. If the search discovers items not related to the policy-rule violation under investigation, but items are found that are in violation of the law or another school policy/rule, the student may be subject to additional discipline for that additional violation.

4. Illegal items (drugs, weapons, etc.) or other possessions reasonably determined to be a threat to the safety or security of others may be confiscated by school authorities at any time.

## **II. Student and Student Property Searches**

Searches of students and/or their personal property, including but not limited to backpacks, book bags, athletic bags, instrument cases and purses, may be conducted by school administrators when there is a reasonable suspicion of the presence of any item(s) that is in violation of law, School policies, or other rules applicable to students, or if the administrator has reasonable suspicion that any item(s) contain materials that otherwise pose a threat to the health, welfare or safety of the student or the school community.

Administrators performing a search may require students to empty pockets or remove jackets, coats, socks, shoes, and other articles of exterior clothing that when removed do not expose undergarments not otherwise observable. Such a search will be conducted in private. Two school employees, one of whom is an administrator, must be present during the search. The employee who conducts the search must be the same gender as the student. A more intrusive search of the student is permissible in emergency situations when there is reason to believe that the student possesses a weapon, explosive or substance that poses an imminent threat of physical harm to the student or others. Such a search may only be conducted in private by a school administrator of the same gender, with an adult of the same gender present, unless the immediate health or safety of students will be endangered by the delay caused by following these procedures.

A school staff member may take possession of a student's personal cell phone or other personal electronic device brought onto school property when the student is observed using the device in a manner contrary to school rules. The electronic device will be delivered to building administration. An administrator may take possession and conduct a search of a student's device brought onto school property if during the course of an investigation of a student discipline violation, the administration has reasonable suspicion that the electronic device may produce evidence related to the discipline violation or there is reasonable suspicion of a safety threat to the student or the school community. If the student is arrested, the electronic device shall be turned over to law enforcement.

School administrators may contact law enforcement for assistance in performing a search in any case in which a student refuses to allow a search of their self or property or in which the search cannot be conducted safely.

The building principal may refer the matter to law enforcement if the suspected violation

involves an illegal activity.

Student property may also be searched as a condition of admittance to or participation in any school sponsored public event such as athletic contests, graduation ceremonies or other school programs.

### **III. Vehicle Searches**

Students are permitted to park on school premises as a matter of privilege, not a right. The school retains authority to conduct routine patrols of the student parking lots and inspections of the exterior of vehicles and interior items within plain view. The interior of a student's vehicle on the school premises may be searched by a school administrator if the administration has reasonable suspicion to believe that illegal, unauthorized or contraband items are contained inside. Whenever possible the student should be aware of and given the opportunity to be present during a search of the vehicle. Emergency situations may necessitate a search with or without the student's knowledge or consent. Such searches will always involve two adults when possible.

### **SEARCHES OF STUDENT PROPERTY BY LAW ENFORCEMENT**

Any search and/or seizure by law enforcement officials will occur only when law enforcement officials properly advise school personnel that they have lawful authority to conduct the search and/or seizure.

Detection devices, such as metal detectors and drug or weapon sniffing dogs, may be utilized at school or at any school function, including activities which occur outside normal school hours or off the school campus.

### **INFORMING STUDENTS AND PARENTS**

If a personal search or search of a student's property has been conducted, school administrators will notify the parent/guardian by the end of the day. If circumstances do not allow for verbal notification on the same day, a letter will be sent.

The school shall inform students and parents or guardians of this policy regarding searches and provide written copies on request.

Adopted: April 16, 2015

Revised: July 17<sup>th</sup>, 2023