STUDENT SEARCHES

Policy Code: 4342

School officials have the authority to conduct reasonable searches of students and to seize students’ unauthorized materials for the purposes of maintaining a safe, orderly environment and upholding standards of conduct established by the Cleveland County Board of Education (the “Board”) or school. Any searches or seizures must be conducted in accordance with the standards described in this policy and any other applicable legal requirements. All school officials carrying out a search or seizure are expected to be knowledgeable about the constitutional rights of students and the appropriate procedures for conducting the search or seizure. A search must be justified at its inception and permissible in scope. School officials shall make reasonable, good faith efforts to investigate allegations of misconduct before a student search is conducted.

This policy applies to searches conducted on school grounds, in school facilities, or at school-sponsored events.

School computers and any data they contain remain under the control of the school and are subject to inspection at any time. The Technology Responsible Use policy also applies to the search of school system-owned technological resources and the data located on school system-owned electronic equipment.

A. SEARCHES BASED ON INDIVIDUALIZED REASONABLE SUSPICION

A student or the student’s possessions may be searched when a school official has reasonable suspicion that the search will turn up evidence that the particular student has violated or is violating a specific law or school rule. Reasonable suspicion is defined as: based upon specific and articulable facts, which have been acquired through reliable and/or corroborated information from employees, students, law enforcement officers, or other credible sources, or upon visual or other evidence (e.g., the smell of alcohol or marijuana, an alert from a metal detector or drug dog) viewed in light of the totality of the circumstances and the school official’s professional judgment. The scope of the search and the methods used to conduct the search must be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

Reasonable suspicion is not required if a student freely and voluntarily consents to the search of his or her person or possessions.

In accordance with the standards described above, the Board authorizes the following types of searches based on reasonable suspicion.

1. Searches of Personal Effects

School officials may search a student’s desk, locker, and/or personal effects, including but not limited to purses, book bags, and outer clothing. The search must be conducted with at least one school official and one other staff member present and must be done out of the view of other students and visitors unless particular circumstances make that impossible. A student’s wireless communications or other electronic device and its contents, including, but not limited to, text messages and
digital photos, may be searched whenever a school official has reason to believe the search will provide evidence that the student has violated or is violating a law, Board policy, the Code of Student Conduct, or a school rule. The scope of the searches must be reasonably related to the objectives of the search and not excessively intrusive in light of the nature of the suspected infraction.

2. **Searches of Motor Vehicles**
Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. School officials may search the interior of a student’s motor vehicle based on reasonable suspicion. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

3. **“Pat-down” Searches**
A school official may conduct a frisk or “pat-down” search of a student’s person. The search must be conducted in private by a school official of the same gender with an adult witness present. School officials must notify the student's parent or guardian promptly following the search.

4. **More Intrusive Personal Searches**
More intrusive personal searches conducted by or under the authority of school personnel are prohibited. A personal search is more intrusive when it extends beyond a student’s personal effects and outer clothing and potentially exposes intimate body parts and/or undergarments. If a school official has reasonable suspicion that a student has on his or her person and is imminently dangerous to the student or others, but the item cannot be detected by a metal detector or pat-down search, law enforcement will be called. School officials shall detain the student and supervise the student's movements until law enforcement arrives.

5. **Metal Detector Searches**
Except as provided in Section B.2, below, a metal detector may be used to search a student’s person and/or personal effects. The search must be conducted by a school official and will be done in private, when feasible.

**B. SUSPICIONLESS GENERAL SEARCHES**
In an effort to maintain a safe, drug-free, and weapon-free learning environment, school officials may conduct certain types of general, suspicionless searches in the schools. All general searches must be conducted in a minimally-intrusive, nondiscriminatory manner (e.g., all students in randomly selected classrooms, every third individual entering a school-sponsored extracurricular activity) and may not be used to single out a particular individual or category of individuals. The searches must be conducted in accordance with standardized procedures established by the Superintendent or designee.

When conducted in accordance with the standards described above and any corresponding procedures, the Board authorizes the following types of general, suspicionless searches.
1. **Searches of Desks and Lockers**  
School officials may conduct routine searches of student desks and lockers. Student desks and 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 desks and lockers. Student desks and lockers may not be used to store illegal, unauthorized, or contraband materials.

A student’s personal effects found within a desk or locker, such as a backpack, gym bag, or purse, may be searched only in accordance with the guidelines for individualized searches of personal effects described in Section A, above.

2. **Point-of-Entry Metal Detector Searches**  
Due to the increasing problem of weapons in schools, school officials may use metal detectors to conduct general point-of-entry searches of students and other persons for weapons.

3. **Use of Trained Dogs**  
With the prior approval of the Superintendent, and in conjunction with local law enforcement, school officials may use trained dogs (canines) to locate illegal materials. All dogs must be accompanied by a certified and authorized trainer who is responsible for the dog’s actions and who is able to verify the dog’s reliability and accuracy in sniffing out illegal material. Trained dogs may sniff lockers, desks, book bags, motor vehicles, and other inanimate objects. Dogs may not be used to sniff students or other persons under any circumstances. No students should be present during a dog search. Before a search occurs in a classroom, students will first be moved to a location outside the classroom.

C. **SEIZED ITEMS**  
Any illegal contraband seized by school officials must be promptly turned over to the proper law enforcement authorities.

D. **FAILURE TO COOPERATE**  
A student’s failure to cooperate with a reasonable search or seizure as provided in this policy will be considered a violation of the expected standard of behavior, and will subject the student to appropriate consequences. Any person who is not a student who refuses to permit a general metal detector search of his or her person and/or belongings at the point-of-entry to a school-sponsored activity will be denied entry to the activity.

E. **NOTICE**  
School principals shall take reasonable steps to provide notice of this policy to students and parents at the start of each school year.


Adopted: March 11, 2019

Replaces: Board policy 4260, Search and Seizure