

SEARCH AND STUDENT'S RIGHT TO PRIVACY

School personnel are charged with protecting the health and safety of all students and promoting the effective operation of the school. Fulfillment of these duties may conflict with a student's right to and need for privacy. The interest of individual students in securing personal privacy must be balanced against the interest of society in protecting students against disruptive or illegal conduct by other students. School officials, while carrying out their duties, will preserve a student's reasonable expectation of privacy.

Since lockers, desks and other storage areas are provided to students by the school, they remain the property of the school. These areas are assigned to students for their use on the condition that they will be used in a manner consistent with the law and school rules. School personnel may conduct inspections of these areas and the contents thereof at any time, with or without the student present, in order to fulfill their responsibility of maintaining proper control and management of the school.

Search of School Property

All property of the school, including students' desks and lockers, as well as their contents may be searched or inspected at any time without notice. Authorized school personnel have an unrestricted right to search these structures as well as any containers, book bags, purses, or articles of clothing that are left unattended on school property.

Searches of Students Person and Personal Property

The search of a student's person or personal property upon the student's person or in his/her possession is permissible when there is any suspicion that the student may be carrying contraband. *Contraband, for purposes here, shall be defined as any weapon, illegal drug paraphernalia, or other item, the possession of which is prohibited by law or by school policy.*

Conducting the Search

1. When a search is conducted, at least another authorized school employee must be present. Where possible, one person must be of the same gender as the student.
2. If a weapon or other substance is suspected, the school shall contact the local police department and the Catholic Schools Office.
3. If a weapon or illegal drug is actually seized, the school authority must contact the local police department to report the incident and secure the contraband until the police arrive.
4. When contraband is found, it is placed in a separate container (if it will fit). The student must sign a statement that lists the item(s) found and the location of said items.
5. The appropriate parent/guardian should be informed of the situation as soon as possible.

6. If a student refuses to voluntarily empty pockets or to open his/her book bag or purse, the student should be detained under supervision until parent(s)/guardian(s) are contacted and have arrived.
7. A strip search is not permitted.

Administrators should not hesitate to consult with police officers and attorneys when needed. When controversy arises, the best defense is having followed clear policies and procedures.

Vehicle Search

The school administration regulates the use of school property and may also regulate vehicles brought onto school property. School personnel may undertake surveillance of school property and of vehicles located on the property.

A school official, who has reasonable cause (suspicion with some basis in fact) to believe that a search of a vehicle will turn up evidence of alcoholic beverages, controlled substances, weapons, stolen property, or other violations of either law or the rules of the school, may inspect the vehicle and may contact legal authorities. If a driver fails to comply with the requests of the school authority, or if an inspection turns up any of the above-mentioned evidence, the school authority may take measures reasonably calculated to maintain the safety and proper control and management of the school, including disabling the vehicle until police or parent(s)/guardian(s) can be summoned.

Police Search of a Student

If the police ask to search a student:

1. Examine the police credentials.
2. Ask if the officer has a warrant. If he/she has one, allow the officer to proceed and contact the parent/guardian.
3. If there is no warrant, tell the officer that once one is obtained and presented, the student will be available for the search.

Exception: if a clear threat to health or safety is involved, use best judgment and allow the officer to search the student on the school or church premises.