

SEARCHES OF STUDENT PERSON AND PROPERTY

- **Board Policy JCABA: Searches of Student's Person**
 - **Board Policy JCAB: Student Searches**
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A. Background

The 4th Amendment of the Constitution protects against “unreasonable” searches and seizures” of persons and property. To conduct a search in most cases, police must get a warrant based on “probable cause” which means that they reasonably believe that they will find something connected to criminal activity on the person or in the area they want to search.

In public schools, the standard for a search is not that high. School officials do not need a warrant or probable cause to search a student. They can act based on “reasonable grounds” taking into account “all of the circumstances” for suspecting that a search will turn up evidence that a student violated the law or school rules.

The scope of the search must be “reasonably related” to the objectives of the search and must not be excessively intrusive in light of the student’s age, sex and the nature of the alleged offense.

These standards apply to both searches of persons or property. For example, pat down searches and requests that students empty their pockets or searches of student backpacks, lockers, lunch bags, purses, or cars on school grounds.

Generally speaking, you have the right to search a student’s person or property if you have reasonable grounds to believe that the search will produce evidence that the student violated the law or school rules.

B. Cell Phone Searches

The same standards apply to student cell phones.

Reasonable belief that the phone contains evidence of a crime or violation of school rules is enough to justify a search of a student cell phone.

For example, if a reputable student informs a teacher that another student has the answers to the math exam on their phone, this would almost certainly constitute reasonable grounds to conduct a search of the phone.

Note, however, that the scope of the search must be reasonably related to the purpose of the search. If you conduct a search of a student's e-mail or text messages, you need to be able to provide a rational explanation as to the specific reason that you decided to search what you searched.

Guidance:

- 1. Review board policy before conduct a search.***
- 2. You should be able to answer the following questions:***
 - a. Do you have reasonable grounds to believe that a search will reveal evidence of a crime or violation of school policy?***
 - b. Is the scope of the search reasonably related to the purpose of the search?***
 - c. Is the search reasonable in light of the age and sex of the student and the seriousness of the alleged infraction?***
- 3. Strip searches are expressly prohibited.***
- 4. A search of a student's person must be conducted in private by a person of the same gender and a witness of the same gender.***
- 5. The circumstances and conduct of the search must be fully documented and a record maintained on file at the school.***