

**SEARCHES – STUDENT**

**POLICY STATEMENT**

- A. Unreasonable searches and seizures shall not be conducted by school officials, and staff should remain sensitive so as not to invade the privacy of their students any more than necessary to achieve the legitimate end of preserving order in the schools. Strip searches are illegal and will not be conducted or condoned by the school district at any time. If the nature of the problem is so serious or severe that this type of search is to be considered, law enforcement agencies will be contacted immediately.

**POLICY PROCEDURE**

- A. Search of students.
  - 1. In the interest of the welfare of the students and the school community, it may be necessary to search a student or the student's property. The search may be conducted if the school official or his/her designee has a reasonable suspicion that the student has obtained or has in his/her possession, items in violation of school regulation, local ordinance or state law.
  - 2. No school official may conduct such search unless he/she suspects, from reliable information or personal observation, that a student is in violation of a school rule, local ordinance, or state statute.
  - 3. In such cases, the following procedure will be used:
    - a. The student will be informed of the reason for conducting the search; and,
    - b. Student permission will be requested to conduct the search.
  - 4. School officials have an affirmative duty to investigate any suspicion that conduct or materials dangerous or harmful to the health and welfare of students or school personnel or property are present within the school. School officials shall cooperate with law enforcement personnel in any such investigation.
- B. Involvement of law officials.
  - 1. Rather than conduct a search, a school official or his/her designee has the right to contact a law enforcement official to take appropriate action.
  - 2. If law enforcement personnel seek permission from school authorities to search a student or the student's property to obtain evidence related to criminal activities, the school officials shall require the police to obtain a valid search warrant unless:
    - a. There is uncoerced consent by the person whose interests are involved.

- b. There is probable cause and circumstances are such that taking the time to obtain a warrant would frustrate the purpose of the search.
        - c. If a valid arrest has been made and the search is incident to the arrest, school officials shall make a good faith effort to notify parents/guardians when a request is made to search a student or the student's property.
- C. Search by school authorities.
  - 1. A school official or his/her designee and one additional person may conduct a search. One of these two people should be of the same sex as the student being searched.
    - a. A school official is defined as the district administrator, a director, a supervisor, a building principal, or an assistant principal.
    - b. A designee is defined as any school district employee designated by a school official for the purpose of conducting a search. If there is a certified school employee present, that individual shall be the designee.
- D. Conducting the search with the student's consent.
  - 1. The school official or his/her designee who is conducting this search has the right to request a student to empty pockets, purses, backpacks, or other articles used to carry personal effects, to remove hats and shoes and/or to roll socks down. The school official or his/her designee can also request a student to remove outer garments, such as sweatshirts, sweaters, jackets, or vests if worn over blouses, shirts or t-shirts. No school official or school employee has the right to request the removal of any other clothing or to conduct a strip search as defined under Section F, 3, (b).
  - 2. If the student cooperates, the school official or his/her designee may notify the student's parents or guardians of the reason for such search.
- E. If a student refuses to cooperate, the school officials or his/her designee has the authority to proceed, subject to the limitation described below:
  - 1. K-8 grade students.
    - a. An attempt will be made to contact the student's parent(s) or guardian in order to request him/her to encourage the student to cooperate. If the parent(s) or guardian cannot be reached or if the student continues to refuse to cooperate, the school official or his/her designee may turn the matter over to law enforcement officials for appropriate action. The student may be detained until the law enforcement official arrives.
    - b. If the parent or guardian has not been contacted and the law enforcement officials are involved, the school official or his/her designee will notify the parent or guardian as soon as possible as to the reason for the search.
  - 2. 9-12 grade students.
    - a. The school official or his/her designee has the right to involve a parent or turn the matter over to law enforcement officials. The student may be detained until the law enforcement official arrives. If the matter is turned over the law enforcement officials, the school official or his/her designee will notify the parent(s) or guardian

as soon as possible of the search and the reason for the search by law enforcement officials.

3. Danger to students or other individuals (K-12).
  - a. If a school official or his/her designee has reason to suspect that a student is carrying a dangerous or illegal item or substance and if a school official or his/her designee believes that an immediate search is necessary, he or she may search a student's pockets or belongings and conduct a pat-down search. The student may be detained until such time as a law enforcement official arrives.
  - b. At no time will a strip search be conducted by a school official or his/her designee. A strip search as defined in Wisconsin statutes means "a search in which a detained person's genitals, pubic area, buttock or anus or a detained female person's breast is uncovered and either is exposed to view or touched by a person conducting a search."
- F. On a field trip, during co-curricular activity, or on a school bus, any school official or his/her designee, male or female, may conduct a search without an additional person. Any search must be conducted within the guidelines of the regulation covered under Section.
- G. Documentation: for all searches in which the student refuses to cooperate, the individual doing the search shall maintain a written record of all actions leading up to and including the search. In all other searches, records will be maintained at the discretion of the individual doing the search.

LEGAL REFERENCE:

CROSS-REFERENCE: