

SEARCH AND SEIZURE

Searches Are To Be Based Upon Reasonable Suspicion: A search of a student is justified when there are reasonable grounds for suspicion that the search will turn up evidence that the student has violated or is violating the law or District rules. Reasonable suspicion may be formed by considering factors such as: (a) eyewitness observations by District personnel; (b) information received from reliable sources; (c) suspicious behavior by the student; or (d) the student's past history and school record (although this factor alone is not sufficient).

Searches Are To Be Reasonable in Scope: A search will be permissible in its scope or intrusiveness when the search measures adopted are reasonably related to the objectives of the search. Reasonableness of scope or intrusiveness may be determined on factors such as: (a) the age of the student; (b) the gender of the student; (c) the nature of the violation; and d) the urgency requiring a search without delay.

TYPES OF SEARCHES

Personal Searches: The following points are to be considered for a personal search:

- (a) there is reasonable suspicion to believe that the student is in possession of items not permitted on school property or items that are illegal, unauthorized, or there is contraband material on the student or in his/her personal effects (e.g., purse, backpack).
- (b) personally intrusive searches require compelling circumstances to be considered reasonable. If a pat-down search or a search of a student's garments (such as jackets, socks, pockets, etc.) is to be conducted, it shall be conducted in private by a District official of the same sex and with another adult witness present when feasible. A more intrusive search of the student's person is permissible for emergency reasons where the health and safety of the students, employees, or visitors on District owned property are threatened.

Such a search shall be conducted in private by a District official of the same sex and with an adult witness of the same sex present. If the health or safety of students will be endangered by a delay in getting an adult witness, the search can be conducted with any witness. It must be recognized that strip searches, body cavity searches, and the use of a drug sniffing animal to search a student's body are not permitted under Iowa statute.

Locker, Desk, or Other School Owned Property Inspections and Searches The following is to be considered for such searches. Lockers, desks, and other facilities or spaces owned by the District are provided as a courtesy to a student. They remain the property of the District at all times. Therefore, the District has a reasonable and valid interest in insuring that the property is properly maintained and free of illegal or unauthorized material(s) or objects. For this reason, periodic or random inspections of school-owned property are permissible without prior notice. Such inspections may be conducted by Administration at any time and will occur in the presence of the student(s) or conducted in the

presence of at least one (1) other person. Any contraband, unauthorized, or illegal objects/materials discovered during such inspections or after a reasonable suspicion search of a protected student area shall be confiscated by school officials and may be turned over to law enforcement officials. A District official may search a particular locker, desk, or other school-owned property with reasonable suspicion that the property contains illegal items or that student who is assigned to District-owned property is violating a school rule bearing on school order and that the search will produce evidence of such a violation. If a student is not or will not be present at the time of a search of a student protected area, the student shall be informed of the search either prior to or as soon as is reasonably practical after the search has been conducted.

Automobile Searches Students are permitted to park on District premises as a courtesy and not a right. The District has the authority to conduct periodic patrols of District property. The interior of a student's automobile parked on District property may be searched when District officials have reasonable suspicion to believe that illegal, unauthorized, or contraband items are located inside the automobile.

A Search and Seizure Form (see Exhibit 500.8C) shall be completed when any search is conducted.

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