

School District of Hortonville

Title: Searches of Students, Their
Personal Possessions,
Lockers and Vehicles

Date Adopted: 4/8/85
Date Revised: 12/19/94
10/26/98

Policy No. 5026
Page 1 of 2

POLICY STATEMENT:

While it is the Board's stated aim to protect the health and welfare of the District's pupils, it also recognizes that student's "do not leave their rights at the school house door." It is the Board's policy to balance the requirement of protecting the general welfare of its student body with the need to respect the personal dignity of the individual. When necessary, any searches of students will be carried out by an administrator and one other School District employee, one being of the same sex as the person being searched. The standard of "reasonable suspicion" applies to school employees when conducting a search. The search must be conducted in a manner that is "reasonably related" to the objective of the search and must not be overly intrusive. Any authorized items found will be confiscated and an inventory of these items will be created by the personnel conducting the search.

This policy will be given to all students in Grades 6-12 annually.

RATIONALE:

Searches of students, lockers and personal possessions are necessary, at times, in order to ensure a safe and healthful environment.

SCOPE:

All children within the School District of Hortonville.

RESPONSIBILITY:

Compliance with this policy shall be the responsibility of all administrators.

IMPLEMENTATION:

I. Personal Searches

A search may be conducted of a student or personal property when there is reasonable suspicion that a student is in possession of illegal or unauthorized materials.

1. Consensual Searches:

Consensual searches are those for which the student has given his or her consent. However, the potential for coercion between a school administrator and a student is great and may be viewed or alleged to be nonconsensual. To minimize this possibility, the administrator must advise the student that he/she has the right to refuse to give consent for the search.

2. Nonconsensual Searches:

If a student does not consent to a search, the school official or designee has the authority to proceed, subject to the limitations described below relating to the student's grade level and the seriousness of the situation.

- For students in grades K-8, an attempt is made to contact the student's parent/guardian in order to request that student cooperate. If the parent/guardian cannot be reached or if the student continues to not consent the school official or designee may turn the matter over to the law enforcement officials for appropriate action. If the parent/guardian has not been contacted and law enforcement officials are involved, the school official or designee will notify the parent/guardian as soon as possible as to the reason for such search.

President Willard Guesbakh Date 10/26/98

Clerk Krista Schneider Date 10/26/98

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Page 2 of 2

- For students in grades 9-12, the school official or designee can involve a parent/guardian or to turn the matter over to law enforcement officials. If the matter is turned over to the law enforcement officials, the district administrator, principal, assistant principal, police liaison officer, instructors or support staff will notify the parent/guardian as soon as possible of the search and the reason for the search by law enforcement officials.
- If there is a significant risk of imminent, serious personal harm to students and/or staff (K-12) a the district administrator, principal, assistant principal, instructors or support staff may search a student's pockets or belongings and conduct a pat-down search if he/she has reason to suspect that a student is carrying a dangerous or illegal item or substance.
- In cases of imminent violence, there will be no requirement of showing reasonable suspicion prior to conducting a non-consensual search.

A written record of all actions leading up to and including the search, listing materials removed, is required for all searches of students who do not consent. This record must be maintained by the individual doing the search and must include an inventory of all confiscated items.

Both consensual and nonconsensual searches are restricted to a search of a student's pockets or purse, wallet, knapsack, bookbag, or other carrying cases, shoes, socks, and such outer garments as may be removed by the student without exposing what is generally agreed to be undergarments.

3. Strip Searches

Any official, employee or agent of the School District of Hortonville, is prohibited from conducting a strip search of any pupil.

II. Property

The Personal Property of a student may be searched in accord with the guidelines for personal searches. This includes a search of a vehicle.

III. School lockers

School lockers are not personal property and are the property of the School District of Hortonville. At no time does the School District relinquish its exclusive control of lockers provided for the convenience of students. Periodic general inspections of lockers may be conducted the district administrator, principal, assistant principal, instructors or support staff for any reason at any time, without notice, without student consent and without a search warrant.

ASSOCIATED INFORMATION:

LEGAL REFERENCES: Wisconsin Statutes
118.32
948.50

CROSS REFERENCES: Parent/Student Handbook, Lockers
Policy #5015 Student Lockers