

### 5770 PUPIL RIGHT OF PRIVACY

The Board of Education, in its attempts to insure that all persons' rights, safety, and property are protected, hereby establishes the following search and seizure policy.

The Board recognizes that the privacy of pupils may not be violated by unreasonable search and seizure and directs that no pupil's possessions be searched without his or her consent unless there is cause to do so in accordance with the terms of this policy.

The Board acknowledges the need for the in-school storage of pupil possessions and may provide storage places, including desks and/or lockers for that purpose. Where locks are provided for such places, pupils may lock them against incursion by other pupils, but in no instance shall pupils have such an expectation of privacy as to prevent examination by a school official of any storage space. Pupils are to be informed at the beginning of each school year that such examinations may occur.

School authorities are charged with the responsibility of safeguarding the safety and well-being of the pupils in their care. In the discharge of that responsibility, the Board directs its administrators to investigate the presence of a substance or object the possession of which is illegal or poses a hazard to the safety and good order of the schools, whenever there are reasonable grounds for suspecting the presence of such substance or object. The Board acknowledges that within the school setting, where school administrators must maintain discipline so that learning can take place, the definition of what is "reasonable" is much broader than outside this setting. Accordingly, school searches of pupils are permissible if they are reasonable under the circumstances. The search will generally be found to be reasonable if two conditions exist: (1) there are reasonable grounds for suspecting the search will turn up evidence that the pupil is violating the law or school rules; and (2) the search is no more intrusive than necessary to turn up this particular evidence.

The Superintendent shall develop procedures to implement this policy which shall require:

1. All requests or suggestions for the search of a pupil's possession shall be directed to the school Building Principal. Criteria to initiate proceedings for a search shall be:
  - a. A device or instrument that can reasonably be construed to be a dangerous weapon. In determining whether or not an item constitutes a danger to the pupil in question or to any other pupil, it shall be appropriate to consider the pupil's age, current demeanor, and any other factor that provides a reasonable indication of intent.



# POLICY

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- b. A controlled or dangerous substance. Items such as, but not limited to, alcohol, illegal drugs, and toxic chemicals shall constitute prohibited substances for purposes of this policy.
    - c. Contraband such as, but not limited to, stolen or otherwise illegal goods.
  2. Whenever the search of a pupil's possessions is prompted by the reasonable suspicion that a substance or object immediately threatens the safety and health of the pupil or others, the professional staff member in authority shall act with as much speed and dispatch as is required to protect persons and property in the school.
  3. The Principal and/or his/her designee shall conduct a search of a pupil's possessions. The Principal shall appoint a professional staff member/witness of the same gender as the pupil involved to be present at the inspection. The extent or scope of the inspection shall be reasonably related to the objectives of the inspection and not be excessively intrusive in the light of the age and gender of the pupil and the nature of the suspected infraction.
  4. A body search and/or a pocket search shall be conducted only by a law enforcement officer carrying out his or her duties and responsibilities unless it is reasonably necessary to avoid a dangerous situation such as the possession of a weapon or some other potentially dangerous item.
  5. The school Building Principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a pupil.
  6. The Principal shall be responsible for the prompt recording in writing of each search, which records shall include the reasons for the search, persons present, objects found, and the disposition made of them.
  7. The person conducting the search and/or seizure, in all cases, shall follow the requirements of due process as delineated in this policy and shall notify parent(s) or legal guardian(s) as soon as possible, preferably before the search is conducted. In addition, the Superintendent is to be notified, and, when deemed appropriate by the Superintendent or his or her designee, the police and/or any appropriate social welfare agency may be notified.

N.J.S.A. 18A:36-19.2, 18A:37-6

Adopted: 03 January 2013

