

SCHOOL DISTRICT OF WAUZEKA-STEUBEN**STUDENT SEARCHES**

The School District of Wauzeka-Steuben recognizes its responsibility to provide students and staff with a safe, drug-free environment that is conducive to learning. It also recognizes that students have basic constitutional rights. School officials must balance the individual's expectation of privacy and personal security against the District's need to maintain an orderly environment in which learning can take place.

Lockers and vehicles parked on school property may be searched. A student's person and personal belongings carried by students (not placed in a locker) will not be searched unless reasonable suspicion exists (alerting of a trained dog may constitute reasonable suspicion) that a District policy, rule, or law has been violated. Searches may be conducted before school, during school, after school, and/or during school sponsored activities by two (2) District employees when possible.

Students found in violation of this policy may be referred to law enforcement as well as action by the Board of Education, including disciplinary action up to and including suspension and/or expulsion.

Locker Searches

A District official, employee or agent may search a student's locker as determined necessary or appropriate without the consent of the student, without notifying the student and without obtaining a search warrant if the school board has: (1) adopted a policy specifying that the board retains ownership and possessory control of all student lockers and designating the school official, employee or agent positions who may conduct the locker searches, and (2) distributed a copy of the policy to students enrolled in the District. (State Statute - Section 118.325)

The District retains ownership and possessory control of all student lockers. At no time does the District relinquish its exclusive control of such lockers. Lockers may be searched as determined necessary or appropriate at any time, without student consent, without notifying students and without a search warrant. Students should have no expectation of privacy when using school lockers.

A student's privilege of using a school locker is conditioned upon the student's consent to a search. At no time does the District relinquish its exclusive control of lockers provided for the convenience of students. Periodic, general inspections of lockers may be conducted by school authorities for any reason, at any time, without notice, without student consent, and without a search warrant.

The Principal or designee may decide to conduct locker searches whenever there is suspicion that alcohol, drugs, material of a disruptive nature, stolen property, weapons, explosive devices or other items which pose a danger to the health and safety of students and staff in the school is present. Any unauthorized item(s) found in the locker may be removed. Items removed from the locker may be held by the school for return to the parent(s)/legal guardian(s) if the student is retained for disciplinary proceedings or turned over to law enforcement officials.

A locker search may be conducted by the District Administrator, Principal and/or other employees designated by the Principal such as teachers, coaches or custodians. Searches may also be conducted by a police officer at the request of the Principal or District Administrator. Police officers can become involved in a search without need “probable cause” or a search warrant when acting as an agent of the school, (e.g. – at the request of and in conjunction with school officials).

Student Searches

Searching personal possessions within a locker or searching a student's person (clothing, backpack, pockets, etc.) must be "reasonable", that is, the Principal or designee must have reasonable grounds to suspect that the search will reveal evidence of violations of either the law or school rules, and the way in which the search is conducted must be reasonably related to the objectives of the search.

The Principal or designee conducting a student search may request a student to empty pockets, purses, backpacks, or other articles used to carry personal effects; and/or to remove hats, shoes, roll socks down, and/or remove shoes. The school official may also request a student to remove outer garments, such as sweatshirts, sweaters, jackets, or vests if worn over blouses, shirts, or t-shirts. Strip searches are expressly prohibited by school personnel in Wisconsin.

The Principal or designee conducting the search will notify the student’s parent(s)/legal guardian(s) of the reason for such a search. The official conducting the search will maintain a record of the search detailing the action taken, the reasons for the action, the person or locker searched, list of items found and/or seized, the results of the action, date and time parent(s)/legal guardian(s) was contacted, and name of the witness.

The Principal or designee will make a good faith effort to notify a student’s parent(s)/legal guardian(s) when law enforcement officials conduct a search of a student or the student’s property unless such action would interfere with a police investigation.

Items seized during a search by school officials will be safeguarded until the appropriate authorities have made determination for the disposition of said items.

Vehicle Search

The District reserves the right to search vehicles parked on school property. A student’s privilege of parking on school property is conditioned upon the student’s consent to a search. Notice of this policy is outlined in the student handbook.

Search of Luggage

The Principal or designee may search student luggage during a school-sponsored trip. Such a search will be carried out in a reasonable manner based upon a reasonable suspicion that the search will reveal evidence of a violation of either the law or school rules. A student’s participation in the school-sponsored trip is conditioned upon the student’s consent to a search.

Canine Search

Searches by dogs specially trained to detect the odor of controlled substances may be used to search the building, grounds, and parking lot at the discretion of the District Administrator, principal, or designee. The searches may be used when a reasonable suspicion exists that controlled substances may be located in the building and/or in vehicles parked in/on school property.

Also, canine searches may be conducted as a preventive measure when viewed as a benefit to the ongoing drug prevention effort and for school management/discipline reasons.

The use of these trained dogs for instructional purposes will be scheduled through the Principal with the approval of the District Administrator.

The notice of this policy is outlined in the student handbook.

Legal References: Wisconsin State Statutes §§ 118.32, 118.325; Administrative Rule 948.5

Cross References: Policy 720 School Safety Plans

Adoption Date: pre 1976

Date Revised: 8/17/1998; 12/20/2000; 3/17/2014

Date Reviewed: