

STUDENT PRIVACY AND SEARCHES

A. Student Privacy

State law provides that ~~A~~at certain ages, students attain the right to decide for themselves what records will remain confidential, even from their parents, and what activities the student will participate in.

- At age eighteen (18), students become legal adults and must approve any disclosure of information about themselves from school records, except directory information (if the adult student has not opted out of disclosing directory information pursuant to Policy 3231 and Procedure 3231P). ~~if a request for confidentiality has not been filed.~~ Students at age eighteenSuch students may also sign releases, authorizations or permission slips to participate in school activities, and may sign themselves out of school and authorize their own absences.
- Students between sixteen (16) and eighteen (18) who have been granted legal emancipation from their parents or guardians have the same rights as eighteen year old students.
- Students ~~average~~ fourteen (14) or older~~years of age~~ have the right to keep private from everyone any district records indicating that they have been tested or treated for a sexually transmitted disease.
- Students age thirteen (13)~~years~~ and older have confidentiality rights in records regarding drug, alcohol or mental health treatment.
- All students have confidentiality rights in family planning or abortion records.

B. 1. Searches of Students and Personal Property

Personal privacy is a fundamental aspect of individual liberty. All students possess the constitutional right to be secure in their persons, papers, and effects against unreasonable searches and seizures. Staff shall take particular care to respect students' privacy.

School officials have authority to maintain order and discipline in the schools and to protect students from exposure to illegal drugs, weapons, and contraband. ~~The superintendent, the principal,~~For purposes of this policy, "contraband" means items, materials, or substances that students are prohibited from possessing by law or district policy, including, but not limited to, controlled substances, alcoholic beverages, tobacco products, or any object that can reasonably be considered a firearm or a dangerous weapon. Therefore, the superintendent, building principals, and other staff designated by the superintendent shall have the authority to conduct reasonable searches on ~~school~~district property as provided by board policy and state and federal law.

A search is required when there are reasonable grounds to suspect a student has a firearm on school grounds or transportation or at school events.

Prior to conducting a search, school officials shall ask that the student consent to be searched ~~by removing all items from pockets or other personal effects~~. If the student refuses to consent to the search, school officials may proceed to search the student, and/or the ~~student's~~ personal belongings, ~~and the student's locker~~, as follows:

1. A.—Any search of a student or his or her personal property conducted by a school district employee must be reasonably related to the discovery of contraband or other evidence of a student's violation of the law or school rules.

~~For the purpose of this policy, "contraband" means items, materials, or substances the possession of which is prohibited by law or district policy, including but not limited to, controlled substances, alcoholic beverages, tobacco and tobacco-like products including electronic cigarettes, or any object that can reasonably be considered a firearm or a dangerous weapon.~~

2. B. ~~Staff~~Employees shall conduct searches in a manner, ~~which that~~ is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

No student shall be subject to a strip search or body cavity search by ~~school staff.~~district employees.

School officials may consult with local law enforcement officials regarding the advisability of a search on school premises by a law enforcement officer if evidence of criminal activity is likely to be seized.

The superintendent shall develop procedures regulating searches of students and their personal property.

C. ~~Locker~~ Searches of Lockers, Desks, or Storage Areas

Students may be assigned lockers for storing and securing their books, school supplies, and personal effects. Lockers, desks, and storage areas are the property of the school district. No right nor expectation of privacy exists for any student as to the use of any space issued or assigned to a student by the school. ~~and such~~ lockers and other spaces are subject to search in accordance with district policy and state and federal law.

No student may use a locker, desk, or storage area ~~as a depository for to store~~ any substance or object ~~which that~~ is prohibited by law or school rules or ~~which that~~ poses a threat to the health, safety or welfare of the occupants of the school building or the building itself.

Any student's locker, desk, or other storage area shall be subject to search if reasonable grounds exist to suspect that the search will yield evidence of the student's violation of the law or school rules. Any search of an individual student's locker shall be conducted according to ~~board~~district policy governing personal searches.

All student lockers may be searched at any time without prior notice and without reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rules. If the school official conducting such a search develops a reasonable suspicion that any container inside the locker, including but not limited to a purse, backpack, gym bag, or an article of clothing, contains evidence of a student's violation of the law or school rules, the container may be searched according to ~~board~~district policy governing personal searches.

The superintendent shall establish procedures for conducting searches of lockers, desks, or storage areas.

D. Searches of Vehicles

Students may be allowed to park personal vehicles on district property, such as at school buildings and athletic facilities, for purposes of providing student transportation. Such

vehicles are subject to search in accordance with district policy and state and federal law. A student's vehicle will be subject to search if reasonable grounds exist to suspect that the search will yield evidence of the student's violation of the law or school rules. Any search of a student's vehicle will be conducted according to district policy governing personal searches.

The superintendent will develop procedures regulating searches of student vehicles.

Cross References:	Board Policy 3414 3231	Infectious Diseases Student Records
Legal References:	RCW 13.64.060 28A.320.040 28A.600.020 28A.600.210 - 240 WAC 180-40-215	Power and Capacity of emancipated minor Bylaws for board and school government Government of schools, pupils, employees, rules and Optimum learning atmosphere School official searches of student lockers Student rights

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