
Searches of ~~STUDENT PRIVACY AND SEARCHES~~ Students and Student Privacy

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 will 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, and other staff designated by the superintendent have the authority to conduct reasonable searches on school property in accordance with the law.

Any authorized school official will conduct searches according to the procedure associated with this policy.

Student Privacy

Adult Students, Emancipated Minors, and Confidential Health Information

State law provides that 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 a request for confidentiality has not opted out of disclosing directory information pursuant to Policy 3231 and Procedure 3231P)~~. Such students ~~been filed~~. Students at age eighteen 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 age over fourteen ~~(14)~~ or older years of age have the right to keep private from everyone any district confidentiality rights in 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.

~~Searches of Students and Personal Property~~ ¶

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~~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. 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 district property as provided by board policy and state and federal law.¶~~

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~~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.¶~~

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~~Prior to conducting a search, school officials shall ask that the student consent to be searched. If the student refuses to consent to the search, school officials may proceed to search the student, and/or the student's personal belongings, as follows:¶~~

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- ~~1. 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.¶~~

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

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

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~~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.¶~~

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

Cross References:

~~3414 - Infectious Diseases~~

~~3245 - Students and Telecommunication Devices~~

~~3231 - Student Records~~

Legal References:

~~RCW13.64.060 Power and capacity of emancipated minor~~

~~RCW 28A.320.040 Bylaws for board and school government~~

~~RCW28A.600.020 Exclusion of student from classroom —
Written disciplinary procedures — Long-term suspension or
expulsion~~

~~RCW28A.600.210-240 School locker searches — Findings~~

~~RCW WAC 392-400-215 Student rights~~

~~RCW 70.02.220 Sexually transmitted diseases—Permitted and
mandatory disclosures~~

RCW 70.02.240 Mental health services—Minors—Permitted disclosures

RCW 70.02.265 Adolescent behavioral health services—Disclosures of treatment information and records—Restrictions and requirements

RCW 9.02.100 Reproductive privacy—Public policy

42 CFR § 2.14 Minor patients

34 CFR § 99.5 What are the rights of students

Management Resources: Policy News, June 1999 School safety bills impact policy

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~~B. Searches of Lockers, Desks, or Storage Areas~~¶

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~~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. Lockers and other spaces are subject to search in accordance with district policy and state and federal law.~~¶

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

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~~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 district policy governing personal searches.~~¶

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~~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 district policy governing personal searches.~~¶

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

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~~C. Searches of Vehicles~~¶

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~~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.¶~~

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Cross References: Board Policy 3414 Infectious Diseases ¶
Board Policy 3231 Student Records ¶~~

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

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