

STUDENT INTERROGATIONS, SEARCHES AND ARRESTS

Code **JIH-R** Issued **6/05**

In order to recognize and protect student rights and expectations to privacy, safety and an educational environment conducive to learning, as well as to enhance security in schools and prevent students from violating board policies, school rules and federal and state laws, district officials, including principals and their designees, are authorized to conduct reasonable searches according to the procedures outlined herein and in board policy JIH.

If a search yields evidence that a board policy, school rule or federal or state law has been violated, appropriate disciplinary action will be taken, and in cases where the evidence suggests conduct which must be reported to law enforcement under S.C. Code Ann. § 59-24-60, the appropriate law enforcement authorities will be immediately notified.

Searches of a person or a person's belongings or effects

Procedures for searching a person or a person's belongings must be reasonable. A reasonable search is one which is both based on a reasonable suspicion and is reasonably related in scope. For reasonable suspicion to exist, school officials conducting a search must be able to articulate why, based on all the circumstances, they objectively and reasonably suspect the search of the person or personal property is likely to yield evidence of a violation of law or district or school rules. In formulating a reasonable suspicion, a school official may rely on information he/she considers reliable, including reports from students, as well as the official's own observations, knowledge and experience; however, a mere hunch or guess that a search will uncover evidence of a violation of law or district or school rules is insufficient to justify a search.

Additionally, the search must be reasonable in its method and scope. A search must be carried out in such a manner that it targets the object of the search or the suspected evidence of a violation of law or district or school rules. The proper scope of the search is a case by case determination and is generally limited to the places in which it is reasonably suspected that the object of the search may be found. A search may be as extensive as is reasonably required to locate the object(s) of the search and may extend to all areas, containers and personal effects in which the object of the search may be found. In addition, when determining the reasonableness of the scope and manner of a search, the school officials must take into account the age, sex and other special circumstances concerning the object of the search and the person involved, as well as the nature of the suspected infraction. Should the school official determine that a pat-down search is necessary, the school official, who must be the same sex as the person searched, will escort the person to a private area to conduct the pat-down search. A witness must be present during all such searches. If a student refuses to comply, the student's parent/legal guardian and/or the police will be contacted. **Under no circumstances, however, is a strip search by a school official permitted.**

Searches of lockers, desks and other school property

The district provides lockers, desks and other school property to students for their use. Because the district retains ownership of this property, school officials may conduct searches of such property, including random and unannounced searches, with or without reasonable suspicion, when such search is determined by school officials to be otherwise reasonable in light of the needs of the school. However, objects belonging to students contained in such school property will not be opened or searched except as provided in the section above. Students will be notified expressly in writing in the student handbook that such school property may be searched at any time. In conducting searches of school property, student property will be respected and not damaged.

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Searches of vehicles on school property

Students are permitted to park on school premises as a matter of privilege, not of right. Accordingly, all students desiring to park their vehicles on school premises must first obtain a parking permit from the designated school administrator. In order to obtain a parking permit, the student must sign a form acknowledging that he/she understands and agrees to the terms regarding the use of parking lots set forth below. Vehicles which do not have a permit in plain view are subject to being towed at the student's expense.

Because parking on school premises is a privilege, the school retains authority to conduct routine inspections of the exterior of vehicles parked on school property at any time. In conducting an inspection of the exterior of a vehicle, school officials may observe those things inside vehicles which are in plain view.

The interiors of student vehicles, including such things as trunks, glove compartments and personal belongings within a vehicle, may be searched whenever a school official has reason to believe a student is violating board policies, school rules or federal or state law, as described in the "reasonableness standard" set forth in the section entitled "Searches of a person or person's belongings or effects" above. When a school official needs to gain access to the interior of a vehicle parked on school premises, for purposes of conducting a search in compliance with the "reasonableness standard," he/she will first ask the student to provide access. If a student refuses to provide the school official with access to the interior of his/her vehicle, he/she may be subject to disciplinary action, including loss of all parking privileges and the possible towing of the vehicle at the student's expense.

Use of trained dogs

The exposure of student containers, packages, lockers, vehicles, desks, book bags, satchels and other similar personal belongings to a reliable and trained "dog sniff" when not in a student's possession, in most circumstances is neither a search nor a seizure. This is so because a dog sniff of the above items only does not expose non-contraband items into view and discloses only the presence or absence of contraband. Sniffing of an individual by trained dogs, however, may constitute a search, and their use on school property may be disruptive and threatening to students and school personnel.

Accordingly, school officials will only utilize trained dogs on district property under the following circumstances.

- Only trained and proven reliable dogs may be utilized on school grounds.
- Dogs will be under the control, direction and supervision of a trained dog handler and will be on a leash or subject to appropriate restraint at all times.
- Dogs will only be utilized when determined to be reasonable under all the circumstances by the school principal or his/her designee.
- Dogs will not sniff an individual unless determined to be reasonable in all respects under the section entitled "Searches of a person or a person's belongings or effects" above; however, actual physical contact between dogs and individuals should be avoided.

In all circumstances, school officials will make reasonable efforts to minimize the exposure of students to dogs. Should a dog alert its handler to the presence of any contraband, school officials may conduct a search in accordance with the procedures set forth in the section entitled "Searches of a person or a person's belongings or effects" above.

Issued 3/8/94; Revised 6/14/05