

SEARCH AND SEIZURE

School storage areas and/or lockers remain the property of the district even when used by pupils. Lockers are subject to administrative search in the interests of school safety, sanitation, and discipline, enforcement of school regulations and to search by law enforcement officials on presentation of a proper warrant. Pupils and their parents/guardians shall be informed of this policy when lockers are assigned.

A pupil's person and possessions may be searched by a school official provided that the official has reasonable grounds to suspect that the search will turn up evidence that the pupil has violated or is violating either the law or the rules of the school. Under no circumstances shall a search be conducted based solely upon an anonymous tip and/or a rumor that contraband is present. The extent or scope of the search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the pupil and the nature of the infraction. A physical search may only be conducted by a staff member of the same sex as the pupil. Before instituting such a search, except in cases of emergency, the principal shall try to inform the parents/guardians and request their presence.

School personnel shall not conduct strip searches or body cavity searches of any pupils under any circumstances.

Searches for Controlled Dangerous Substances/Drug Paraphernalia/Alcohol/Firearms/Other Deadly Weapons

Searches conducted by staff when there is suspicion that laws and policies on safe and drug free schools are being violated shall be based on the reasonable grounds required by this policy. When law enforcement officials conduct the search, the more stringent grounds required by law must be applied. See policies 5131.6 and 5131.7.

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Key Words: Search and Seizure, Locker Searches, Substance Abuse, Seizure

Legal References

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Mandated: 6A:16-6.2(b)

N.J.A.C. 6:29-10.3(a)4 requires policy that is consistent with reporting, notification and examination procedures for pupils suspected of being under the influence of alcohol and other substances in accordance with N.J.A.C. 6:29-6.

6A:16-6.1

N.J.A.C. 6:29-10.3(b) contains additional mandates to boards that should be addressed in policy.

Other Reasons:

N.J.S.A. 18A:36-19.2 permits search of student lockers as long as students are informed in writing at the beginning of each school year that inspections may occur.

Recommendation:

A policy asserting district ownership of lockers and right to search, outlining grounds needed for either locker or personal search by district personnel. Policy should address procedures adopted to implement district policies on substance abuse (5131.6).

Legal

N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure

References:

- N.J.S.A. 18A:11-1 General mandatory powers and duties
- N.J.S.A. 18A:36-19.2 Student lockers or other storage facility; inspection; notice to students
- N.J.S.A. 18A:37-6.1 Strip and body cavity searches of pupils
- N.J.S.A. 18A:54-20 Powers of board (county vocational schools)
- N.J.A.C. 6:29-10.1 et seq. Safe and drug free schools

State in interest of T.L.O., 94 NJ 33 (1983); New Jersey v. T.L.O., U.S. , 53 USLW 4083

Vernonia School District 47J v. Acton et ux., Guardians ad litem for Acton, U.S. , 115 S.Ct. 2386 (1995)

Possible Cross References:

- *1410 Local units
- *5114 Suspension and expulsion
- *5131 Conduct/discipline
- *5131.6 Drugs, alcohol, tobacco (substance abuse)
- *5131.7 Weapons and dangerous instruments
- *5145.11 Questioning and apprehension

*Indicates policy is included in the Critical Policy Reference Manual.