



**STUDENT SEARCH AND SEIZURE**

The Board has charged school authorities with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search school property such as lockers used by students or the person or property, including vehicles of a student, in accordance with the following policy.

Anything found in the course of a search, pursuant to this policy, which constitutes evidence of a violation of a particular law or school rule or which endangers the safety or health of any person, shall be seized and utilized as evidence if appropriate. Seized items shall be returned to the owner if the items may be lawfully possessed by the owner. Seized items that may not lawfully be possessed by the owner shall be destroyed or turned over to law enforcement for proper disposal.

The district administrator shall prepare administrative guidelines to implement this policy and shall provide the parents and staff with written notice of this policy and guidelines at least annually.

**School Property**

The Board acknowledges the need for in-school storage of student possessions and shall provide storage places including desks and lockers for that purpose. Desks and lockers are public property and school authorities may make reasonable regulations regarding their use. The district retains ownership and possessory control of student desks and lockers and the same may be searched at random by the superintendent, building principal, athletic director, psychologist, counselors or other designee at any time. A showing of reasonable cause or suspicion is not a necessary precondition to a search under this paragraph. Students shall not have an expectation of privacy in lockers, desks or other school property as to prevent examination by a school official. The Board directs the school principals to provide students with written notice of this policy at least annually and to conduct a routine inspection at least annually of all such storage places.

**Policy 446 Continued:**

Student Persons and Possessions

The Board recognizes that the privacy of students or his/her belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion that the search will turn up evidence that the student has violated either a particular law or a particular rule of the school or that the health and safety of students, staff or others is immediately threatened. Any search under this paragraph must be reasonable in scope and reasonable in the manner in which it is conducted. The extent of the search will be governed by the seriousness of the alleged infraction, the student's age, the student's disciplinary history, and any other relevant circumstances or information.

This authorization to search shall also apply to all situations in which the student is under the jurisdiction of the Board.

Permission for a student to bring a vehicle on school property shall be conditioned upon written consent of the search of the vehicle and all containers inside the vehicle by a school administrator with reasonable suspicion to believe the search will produce evidence of a violation of a particular law, a school rule or that the driver's or other's health or safety is immediately threatened. The student shall have no expectation of privacy in any vehicle or in the contents of any vehicle operated or parked on school property.

Except as provided below, a request for the search of a student or a student's possessions will be directed to the principal. She/he shall attempt to obtain the freely-offered, written consent of the student to the inspection, however, provided there is reasonable suspicion pursuant to the above paragraphs, she/he may conduct the search without such consent. Whenever possible, a search will be conducted by the principal in the presence of the student and a staff member other than the principal. A search prompted by the reasonable suspicion that health or safety is immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

Search of a student's personal or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender and prompted by the reasonable suspicion that health or safety is immediately threatened. Under Wisconsin law, strip searches of students are prohibited under all circumstances.

The Board authorizes the use of breath-test instruments to determine whether or not a student has consumed alcohol.

**Policy 446 Continued:**

Use of Dogs

The Board authorizes the use of specially-trained dogs to detect the presence of drugs and devices such as bombs on school property under the following conditions:

- A. The presence of the dogs on school property is authorized in advance by the district administrator and building principal or is pursuant to a court order or warrant.
- B. The dog must be handled by a law enforcement officer specially trained to safely and competently work with the dog.
- C. The dog is represented by the sheriff or chief of the law enforcement agency providing the service is capable of accurately detecting drugs and/or devices.

The principal shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of the informant, if any; the persons present when the search was conducted; any substances or objects found and the disposition made of them; and any subsequent action taken. The principal shall be responsible for the custody, control and disposition of any illegal or dangerous substance or object taken from a student.

Legal Reference: Section 118.325 Wisconsin Statutes

Cross Reference: 443.3, Student Alcohol/Drug Use

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