

1 School officials have the authority to conduct reasonable searches of students and to seize
2 students' unauthorized materials for the purposes of maintaining a safe, orderly environment and
3 upholding standards of conduct established by the Transylvania County Board of Education (the
4 "board") or school. Any searches or seizures must be conducted in accordance with the
5 standards described in this policy and any other applicable legal requirements. All school
6 officials carrying out a search or seizure are expected to be knowledgeable about the
7 ~~constitutional~~ legal rights of students and the appropriate procedures for conducting the search or
8 seizure. A search must be justified at its inception, ~~and~~ permissible in scope, **and conducted**
9 **using methods that are narrowly tailored to be minimally intrusive**. School officials shall make
10 reasonable, good faith efforts to investigate allegations of misconduct before a student search is
11 conducted.

12
13 This policy applies to searches conducted on school grounds, in school facilities, or at school-
14 sponsored events.

15
16 Policy 3225/4312/7320, Technology Responsible Use, not this policy, applies to the search of
17 school system-owned technological resources and the data located on school system-owned
18 electronic equipment.

19 20 **A. SEARCHES BASED ON INDIVIDUALIZED REASONABLE SUSPICION**

21
22 A student or the student's possessions may be searched when a school official has
23 reasonable suspicion that the search will turn up evidence that the particular student has
24 violated or is violating a specific law or school rule. This reasonable suspicion must be
25 based upon specific and articulable facts, which have been acquired through reliable
26 and/or corroborated information from employees, students, law enforcement officers, or
27 other credible sources, or upon visual or other evidence (e.g., the smell of alcohol or
28 marijuana, an alert from a metal detector or drug dog) viewed in light of the totality of the
29 circumstances and the school official's professional judgment. The scope of the search
30 ~~and the methods used to conduct the search~~ must be reasonably related to the objectives
31 of the search, **and the methods used to conduct the search must be narrowly tailored to be**
32 **and not excessively minimally** intrusive in light of the age and sex of the student and the
33 nature of the infraction.

34
35 Reasonable suspicion is not required if a student freely and voluntarily consents to the
36 search of his or her person or possessions.

37
38 In accordance with the standards described above, the board authorizes the following
39 types of searches based on reasonable suspicion.

40 41 1. Searches of Personal Effects

42
43 School officials may search a student's desk, locker, and/or personal effects,
44 including but not limited to purses, book bags, and ~~outer~~ clothing **(for example,**

45 coats or jackets) not currently being worn by the student. Policy 4318, Use of
46 Wireless Communication Devices, addresses the circumstances under which
47 searches of student cell phones and other electronic devices may be conducted.
48

49 2. Searches of Motor Vehicles

50 School officials may search the interior of a student's motor vehicle.
51

52 3. "Pat-down" Searches

53 A school official may conduct a frisk or "pat-down" search of a student's person.
54 The search must be conducted in private by a school official ~~of the same gender~~
55 with an adult witness present. Both the school official conducting the search and
56 the adult witness must be the same sex as the student.
57

58 4. More Intrusive Personal Searches

59 More intrusive personal searches are discouraged and are to be used only in very
60 limited circumstances. A personal search is more intrusive when it extends
61 beyond a student's personal effects and outer clothing and potentially exposes
62 intimate body parts and/or undergarments. Such intrusive personal searches will
63 be permissible only if: (1) the school official has reasonable suspicion that a
64 search of a particular student will yield dangerous contraband (e.g., drugs or
65 weapons); and (2) the school official has reasonable suspicion that the student has
66 hidden the contraband in his or her undergarments. This search must be
67 conducted in private by a school official of the same ~~sex as the student gender~~,
68 with an adult witness of the same ~~sex gender~~ present, and only with the prior
69 approval of the superintendent or designee, unless the health or safety of students
70 will be endangered by the delay that might be caused by following these
71 procedures. Body cavity searches and searches that require a student to
72 completely disrobe are strictly prohibited.
73

74 5. Metal Detector Searches

75 Except as provided in Section B.2, below, a metal detector may be used to search
76 a student's person and/or personal effects. The search must be conducted by a
77 school official and will be done in private, when feasible.
78

79 **B. SUSPICIONLESS GENERAL SEARCHES**

80 In an effort to maintain a safe, drug-free, and weapon-free learning environment, school
81 officials may conduct certain types of general, suspicionless searches in the schools. All
82 general searches must be conducted in a minimally-intrusive, nondiscriminatory manner
83 (e.g., all students in randomly selected classrooms, every third individual entering a
84

89 school-sponsored extracurricular activity) and may not be used to single out a particular
90 individual or category of individuals. The searches must be conducted in accordance
91 with standardized procedures established by the superintendent or designee. Absent
92 exigent circumstances (e.g., a report of a weapon on campus), prior to conducting general
93 searches, school administrators must: (1) demonstrate to the superintendent or designee
94 the need for general searches based upon a pattern or expectation of violence, drug
95 activity, or disruption; and (2) provide written notice to students and parents of the school
96 policy and/or procedures governing general searches, but not of specific times when or
97 places where searches will be conducted.
98

99 When conducted in accordance with the standards described above and any
100 corresponding procedures, the board authorizes the following types of general,
101 suspicionless searches.
102

103 1. Searches of Desks and Lockers
104

105 School officials may conduct routine searches of student desks and lockers.
106 Student desks and lockers are school property and remain at all times under the
107 control of the school. However, students are expected to assume full
108 responsibility for the security of their desks and lockers. Student desks and
109 lockers may not be used to store illegal, unauthorized, or contraband materials.
110

111 A student's personal effects found within a desk or locker, such as a backpack,
112 gym bag, or purse, may be searched only in accordance with the guidelines for
113 individualized searches of personal effects described in Section A, above.
114

115 2. Point-of-Entry Metal Detector Searches
116

117 Due to the increasing problem of weapons in schools, school officials may use
118 metal detectors to conduct general point-of-entry searches of students and other
119 persons for weapons.
120

121 3. Use of Trained Dogs
122

123 With the prior approval of the superintendent, and in conjunction with local law
124 enforcement, school officials may use trained dogs (canines) to locate illegal
125 materials. All dogs must be accompanied by a certified and authorized trainer
126 who is responsible for the dog's actions and who is able to verify the dog's
127 reliability and accuracy in sniffing out illegal material. Trained dogs may sniff
128 lockers, desks, book bags, motor vehicles, and other inanimate objects. Dogs may
129 not be used to sniff students or other persons under any circumstances. No
130 students should be present during a dog search. Before a search occurs in a
131 classroom, students will first be moved to a location outside the classroom.
132

133 **C. SEIZED ITEMS**

134
135 Any illegal contraband seized by school officials must be promptly turned over to the
136 proper law enforcement authorities.
137

138 **D. FAILURE TO COOPERATE**

139
140 A student’s failure to cooperate with a reasonable search or seizure as provided in this
141 policy will be considered a violation of the expected standard of behavior, and will
142 subject the student to appropriate consequences.
143

144 Any person who is not a student who refuses to permit a general metal detector search of
145 his or her person and/or belongings at the point-of-entry to a school-sponsored activity
146 may be denied entry to the activity.
147

148 **E. NOTICE**

149
150 School principals shall take reasonable steps to provide notice of this policy to students
151 and parents at the start of each school year.
152

153 Legal References: U.S. Const. amend. IV; *New Jersey v. T.L.O.*, 469 U.S. 325 (1985), *Safford*
154 *United School District #1 v. Redding*, 557 U.S. 364 (2009); G.S. 115C-47, -288, -307, -390.2, -
155 **391.2**

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157 Cross References: Technology Responsible Use (policy 3225/4312/7320), School Plan for
158 Management of Student Behavior (policy 4302), Use of Wireless Communication Devices
159 (policy 4318), School-Level Investigations (policy 4340)

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161 Adopted: December 18, 2017

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163 Revised: [DATE]