

Policy

SEARCH AND SEIZURE

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

A student'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 student 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 student and the nature of the infraction. A physical search may only be conducted by a staff member of the same sex as the student. 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 students 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. The privacy interests of students are outweighed by the substantial interest of teachers and administrators in maintaining a drug-free environment in the classroom and on school grounds, and consequently, locker searches and vehicle searches on school grounds need satisfy only the "reasonable suspicion" standard adopted by the courts in T.L.O. and State v. Best. When law enforcement officials conduct the search, the more stringent grounds required by law must be applied (see policies 5131.6 Substance Abuse and 5131.7 Weapons and Other Dangerous Instruments).

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Key Words

Search and Seizure, Locker Searches, Substance Abuse, Seizure

SEARCH AND SEIZURE (continued)

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

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 prohibited

N.J.S.A. 18A:54-20 Powers of board (county vocational schools)

N.J.A.C. 6A:16-6.1 et seq. Law Enforcement Operations for Substances, Weapons and Safety

State in re T.L.O., 94 N.J. 331 (1983), reversed on other grounds, New Jersey v. T.L.O., 569 U.S. 325 (1985).

Vernonia School District 47J v. Acton et ux., Guardians ad litem for Acton, 515 U.S. 646, 115 S.Ct. 2386 (1995)

Joye v. Hunterdon Central Regional High School Board of Education, Superior Court of New Jersey, Law Division Dkt. No. HNT-C-14031-00 (Jan. 4, 2001)

Board of Education of Independent School District No. 92 of Pottawatomie County et al. v. Earls et al., 536 U.S. 822 (2002)

The New Jersey School Search Policy Manual, New Jersey Attorney General (1998)

State v. Best 403 N.J. Super 428 (App. Div. 2008) cert. granted 996 A. 2d 1078 (2009) The privacy interests of students are outweighed by the substantial interest of teachers and administrators in maintaining a drug-free environment in the classroom and on school grounds. Vehicle searches on school grounds need satisfy only the “reasonable suspicion” standard adopted in T.L.O.

A Uniform State Memorandum of Agreement Between Education and Law Enforcement Officials

Possible

Cross References: *1410 Local units

*5114 Suspension and expulsion

*5131 Conduct/discipline

*5131.1 Harassment, intimidation and bullying

*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.