

Policy Code: 4240 SEARCH AND SEIZURE

To maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, school authorities may search a student, student lockers or student motor vehicles under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search. As used in this policy, the term "unauthorized" means any item dangerous to the health or safety of students or school personnel; any item disruptive of any lawful function, mission or process of the school; or any item described as unauthorized in school rules available beforehand to the student.

A student's failure to permit searches and seizures as provided in this policy will be considered grounds for disciplinary action.

Personal Searches

A student's person and/or personal effects (e.g., purse, book bag, **and clothing (for example, coats or jackets) not currently being worn by the student**, etc.) may be searched whenever a school authority has reasonable suspicion that the student is in possession of illegal or unauthorized materials. **The scope of the search must be reasonably related to the objectives of the search, and the methods used to conduct the search must be narrowly tailored to be and not excessively minimally intrusive in light of the age and sex of the student and the nature of the infraction.**

If a pat-down search of a student's person is conducted, it will be conducted in private by a school official of the same sex and with an adult witness of the same sex present. If a school official has reasonable suspicion that the student has on his or her person an item imminently dangerous to the student or to others, a more intrusive search of the student's person may be conducted. Such a search may only be conducted in private by a school official of the same sex with an adult witness of the same sex present, and only upon the prior approval of the Superintendent or designee, unless the health or safety of students will be endangered by the delay which might be caused by following these procedures.

The parent or guardian shall be notified of the search and any items impounded.

Locker Searches

Student lockers are school property and remain at all times under control of the school. Students are expected to assume full responsibility for the security of their lockers. However, periodic general inspections of lockers may be conducted by school authorities for any reason, at any time without notice, without student consent, and without a search warrant.

Motor Vehicle Searches

Students are permitted to park on school premises as a matter of privilege, not of right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school authority has reasonable suspicion that illegal or unauthorized materials are contained inside. Exterior patrols and inspections, including canine searches, may be conducted without notice, without student consent, and without a search warrant.

Use of Metal Detectors

- A. School officials or law enforcement officers may conduct metal detector checks of groups of individuals if the checks are done in a minimally-intrusive,

nondiscriminatory manner (e.g., on all students in a randomly selected class; on every third individual entering an athletic event). Metal detector checks of groups of individuals may not be used to single out a particular individual or category of individuals.

B. If a school official or a law enforcement officer has reasonable suspicion to believe that a particular student is in possession of an illegal or unauthorized metal-containing object or weapon, he or she may conduct a metal detector check of the student's person and personal effects.

Canine Searches

School officials are authorized to use trained dogs with established reliability and accuracy for detecting the presence of contraband materials. Each dog must be supervised by an authorized and qualified trainer who shall be responsible for the dog's actions. An indication by the dog that contraband is present on school property or in a vehicle parked on school property shall be a reasonable basis for a further search by school officials. A dog may not be used to search students.

Seizure of Illegal Materials

If a properly conducted search yields illegal or contraband materials, such property shall be turned over to proper legal authorities for ultimate disposition.

School Computers

School computers and any data they contain remain under control of the school and are subject to inspection at any time.

LEGAL REF: *New Jersey v. T.L.O.*, 469 U.S. 325 (1985), *Safford United School District #1 v. Redding*, 557 U.S. 364 (2009); G.S. 115C-47,-288,-307,-390.2,-391.2; [G.S. 115C-36](#); [U.S. Const. Amend. IV](#), State Board of Education Policy [EXCP-000](#)

ADOPTED: August 2, 2004;

AMENDED: August 1, 2017; **January 9, 2024**

Edenton-Chowan Schools