



## Searches of Students Procedure (PATH-P110)

### 1.0 SCOPE:

- 1.1 This procedure describes searches of students in the Washoe County School District.

The online version of this procedure is official. Therefore, all printed versions of this document are unofficial copies.

### 2.0 RESPONSIBILITY:

- 2.1 Superintendent

(Approval signature on file)

Signature

Date

### 3.0 APPROVAL AUTHORITY:

- 3.1 K-12 Instructional Superintendent

(Approval signature on file)

Signature

Date

### 4.0 DEFINITIONS:

- 4.1 NRS – Nevada Revised Statutes
- 4.2 WCSD - Washoe County School District

### 5.0 PROCEDURE:

- 5.1 The primary function of the public schools is education. In order to serve this function, the schools must maintain discipline and order and must provide students with physical safety and security.

- 5.1.1 School officials and teachers act in loco parentis to the students during the time students are under their supervision.

- 5.1.2 To provide an orderly and safe school environment, students need to act responsibly by maintaining control of their own behavior. To ensure the safety of students, staff, and property, the school must take measures to manage the behavior of students.

- 5.1.2.1 This is accomplished by the prevention of harmful, damaging, unlawful or deleterious items being brought onto the school premises.

- 5.1.2.2 The law, therefore, permits school authorities to search students, their personal possessions and their desks and lockers under appropriate circumstances.

- 5.1.3 A decision to search a student, his/her possessions, or any school property or area assigned to him/her for his/her individual use shall be made in accordance with the following guidelines:

#### Student's Rights and Responsibilities

- 5.2 The student has a right of privacy in his/her person, his/her personal belongings and effects and his/her personal automobile parked on school grounds; but that right is limited by the needs of all students for a safe, calm and orderly school environment.

- 5.2.1 Students shall not carry or conceal or bring onto the school premises any material that is prohibited by law or published school district rules, regulations or policies or

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## Searches of Students Procedure (PATH-P110)

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any material that will detract from the maintenance of a calm, orderly and safe school environment.

### Searches

5.3 A teacher, administrator or other school employee designated by an administrator may search the person of any student, the personal effects in the student's possession, or the student's automobile parked on school grounds, under any of the following circumstances:

5.3.1 The search is made in connection with a lawful arrest.

5.3.2 The search is made with the voluntary consent of the student.

5.3.3 The search is conducted on the reasonable suspicion that the student is engaged in an activity which violates a law or published school district rule, regulation or policy or that the student is carrying, concealing or sequestering material the possession of which is prohibited by law or by published school district rule, regulation or policy.

5.3.3.1 If the search is made with the consent of the student, there should be a witness to the obtaining of the consent and to the search.

5.3.3.2 The teacher, administrator, or other designated school employee making the search shall be of the same sex as the student searched, unless the need for an immediate search requires a search by a teacher, administrator or school employee of the other sex. When the search is made by someone of a different sex than the student searched, there should be a witness to the search.

5.3.3.3 The search of a desk or locker assigned to a student may be done at any time pursuant to either of the following rules:

5.3.3.4 The search is made to maintain discipline and protect the students from the introduction into the school of offensive or undesirable materials, or

5.3.3.5 the search is made on the reasonable suspicion that the student is engaged in an activity which violates a law or a published school district rule, regulation or policy or that the student is using the school property in the form of a locker or desk for illegal or wrongful purposes or to sequester material the possession of which is prohibited by law or by published school district rule, regulation or policy.

5.3.3.6 In all other cases, a search warrant should be obtained before a search is conducted.

### Reasonable Suspicion

5.4 In those cases requiring a reasonable suspicion as the basis for the search, the school official or employee authorizing the search shall have a reasonable suspicion that the fruits or implements of a crime or unlawful act will be found, or that a weapon or other material the possession of which is prohibited by law or by school district rules, regulations or policies will be found.

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## Searches of Students Procedure (PATH-P110)

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- 5.5 A reasonable suspicion is a subjective, good faith belief supported by objective facts which may include, but are not limited to, the student's age, history and record in the school, the reliability of the information giving rise to the suspicion and the seriousness and prevalence of the problem in the school.
- 5.6 The required "reasonable suspicion" must be based on facts relating to a particular student whose person, belongings, automobile, desk or locker is to be searched and such suspicion must arise immediately prior to the proposed search.

### **Limitations on Right of Privacy: Lockers and Desks**

- 5.7 The student does not have the exclusive right to possession of the locker or desk to which he or she is assigned and the school reserves the right to conduct searches of lockers and desks as outlined above.
- 5.8 Each student shall accept and use the assigned locker or desk on such basis.

### **Canine Sniffs**

- 5.9 The school district may conduct canine sniffs of school hallways, lockers, classrooms, buildings, parking lots, and other school property through the use of a canine unit.
- 5.10 A canine unit consists of a qualified handler, and a dog specially trained to detect illegal or prohibited substances, weapons or bombs.
- 5.11 If a teacher, administrator, other school official, employee, school police, or security personnel, have a reasonable suspicion to believe that an individual has in his/her/their possession a weapon or a controlled substance or material which is prohibited by law or school district rules, regulations and policies, the school district may conduct canine sniffs of such individual's vehicle(s) and/or personal effects.
- 5.12 A Connect-Ed message as applicable is to be sent to all parent(s)/guardian(s) in the event of a school-wide search to prevent rumor and panic.

### **Role of Law Enforcement Agencies**

- 5.13 School personnel should call for assistance from the School Police Department when there is reason to believe the situation is dangerous.
- 5.14 If a search by school personnel results in the discovery of materials the possession of which is prohibited by law, the district's School Police Department shall be notified and the materials shall be turned over to them.

## **6.0 ASSOCIATED DOCUMENTS:**

- 6.1 PATH-P100 Student Discipline Procedure



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## Searches of Students Procedure (PATH-P110)

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### 7.0 RECORD RETENTION TABLE:

<u>Identification</u>	<u>Storage</u>	<u>Retention</u>	<u>Disposition</u>	<u>Protection</u>
Electronic/Paper Document	Electronic Database	Minimum 5 years	Purge/Shred Document	Secure Database & Locked Office

### 8.0 REVISION HISTORY:

<u>Date:</u>	<u>Rev.</u>	<u>Description of Revision:</u>
9/15/09	A	Initial Release
02/08/10	B	Re-number Procedure from SSDA-P110 to SAIH-P110; change "Canine Searches" section to "Canine Sniffs"; 5.9 replaced "searches" with "sniffs"; 5.11 replaced "a student or students" with "an individual may" and replaced sentences "a search may...described above" with "the school district may...personal effects" sentence.
1/10/11	C	Change approval authority title and SAIH to PATH

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