

SEARCH AND SEIZURE

School district property is held in public trust by the board. School district authorities may, without a search warrant or prior notice, search a student, student lockers, desks, work areas, personal affects, and vehicles based on a reasonable and articulable suspicion that a school district policy, rule, regulation or law has been violated. The search shall be reasonable in scope and conducted in a manner that maintains order and discipline in the schools, promotes the educational environment, and protects the safety and welfare of students, employees and visitors. The furnishing of a locker, desk or other facility or space owned by the school and provided as a courtesy to a student, even if the student provides the lock for it will not create a protected student area and will not give rise to an expectation of privacy with respect the locker, desk, or other facility.

School authorities may seize any illegal, unauthorized or contraband materials discovered in a search conducted pursuant to this policy. Items of contraband may include, but are not limited to, nonprescription controlled substances, marijuana, cocaine, amphetamines, barbiturates, apparatus used for controlled substances, alcoholic beverages, tobacco, weapons, firearms, explosives, poisons, stolen properties, and obscene materials and/or images. Such items are not to be possessed by a student while they are on school district property or on property within the jurisdiction of the school district; while on school owned and/or operated school or chartered vehicles; while attending or engaged in school activities; and while away from school grounds if misconduct will directly affect the good order, efficient management and welfare of the school district.

Possession of illegal, unauthorized or contraband items will be grounds for disciplinary action including suspension or expulsion and may be reported to local law enforcement officials. The possession of illegal, unauthorized contraband items or misused non-controlled substances discovered pursuant to the policy will be reported to the parent/guardian of the student involved and shall be reported to local law enforcement authorities. Any illegal, unauthorized and/or contraband items discovered in the course of a student search will not be returned to the student and shall be turned over to law enforcement authorities without delay.

Legal Reference: U.S. Const. amend. IV.

New Jersey v. T.L.O., 469 U.S. 325 (1985).

Cason v. Cook, 810 F.2d 188 (8th Cir. 1987), *cert. den.*, 482 U.S. 930 (1987).

Iowa Code ch. 808A (2014).

281 I.A.C. 12.3(8).

Cross Reference: 502 Student Rights and Responsibilities
 503 Student Discipline

Approved 6/10/1996

Reviewed 08/09/2010

Revised 7/13/2015