
SEARCH AND SEIZURE

School lockers remain the property of the district even when used by pupils. 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. Pupils and their parents/guardians shall be informed of this policy when lockers are assigned.

A pupil'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 pupil 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 pupil and the nature of the infraction. A physical search may only be conducted by a staff member of the same sex as the pupil. 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 pupils 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. When law enforcement officials conduct the search, the more stringent grounds required by law must be applied. Vehicle searches on school grounds need satisfy only the "reasonable suspicion" standard adopted in T.L.O. See policies 5131.6 and 5131.7.

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Legal Reference:

<u>N.J.S.A. 2A:4A-60 et al.</u>	Disclosure of juvenile information; penalties for disclosure
<u>N.J.S.A. 18A:11-1</u>	General mandatory powers and duties
<u>N.J.S.A. 18A:36-19.2</u>	Student lockers or other storage facility; inspection; notice to students
<u>N.J.S.A. 18A:37-6.1</u>	Strip and body cavity searches prohibited
<u>N.J.S.A. 18A:54-20</u>	Powers of board (county vocational schools)
<u>N.J.A.C. 6A:16-6.1 et seq.</u>	Law Enforcement Operations for Substances, Weapons and Safety

State in interest of T.L.O., 94 NJ 33 (1983); New Jersey v. T.L.O., 469 U.S. 325, 53 (1985)

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

Court

Joye v. Hunterdon Central Regional High School Board of Education, Superior
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. _____ (2002)

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

A Uniform State Memorandum of Agreement Between Education and Law Enforcement
Officials (1999 Revisions)

State v. Best 403 N.J Super 428 (App. Div. 2008) cert. granted 996 A. 2d 1078 (2009)

Possible

Cross References: 1410 Local units
5114 Suspension and expulsion
5131 Conduct/discipline
5131.6 Drugs, alcohol, tobacco (substance abuse)
5131.7 Weapons and dangerous instruments
5145.11 Questioning and apprehension

Key Words

Search and Seizure, Locker Searches, Substance Abuse, Seizure