

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.

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. See policies 5131.6 and 5131.7.

Date: February 10, 1998

Legal References:

	<u>N.J.S.A.</u> 2A:4A-60 <u>et al.</u>	Disclosure of juvenile information; penalties for disclosure
	<u>N.J.S.A.</u> 18A:11-1 duties	General mandatory powers and
students	<u>N.J.S.A.</u> 18A:36-19.2 facility;	Student lockers or other storage inspection; notice to
	<u>N.J.S.A.</u> 18A:54-20 schools)	Powers of board (county vocational

File Code: 5145.12

SEARCH AND SEIZURE (continued)

Legal References: (continued)

N.J.A.C. 6:29-10.1 et seq. Safe and drug free schools

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

53 USLW 4083

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

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

New Jersey School Boards Association, P.O. Box 909, Trenton, NJ 08605-0909
Copyright 1995 by NJSBA. All rights reserved.