

CLARK COUNTY SCHOOL DISTRICT REGULATION

5144

SEARCHING STUDENTS OR STUDENT LOCKERS

- I. Desks or lockers to which students are allowed a limited right of use are subject to search at any time. Students shall be given prior notice that they have no expectation of privacy when using district-assigned property and that routine searches may be expected.
- II. Searches of a student's person or possessions while at school must be reasonable. Reasonableness requires that the search be justified prior to its commencement and be related to the circumstance giving rise to the search. Absent extraordinary circumstances, a student's person and possessions may be subject to search on school property only if:
 - A. The student voluntarily consents to the search; or
 - B. Prior to a search there is an individualized, reasonable suspicion that the student is hiding evidence of a wrongdoing; and
 1. A search is necessary to maintain school discipline, order or safety, and to prevent the removal or destruction of evidence, and
 2. The search is reasonable in scope and methods as related to the alleged wrongdoing and the age and sex of the student, and
 3. The search is conducted in accordance with this regulation; or
 - C. Appropriate law enforcement authorities conduct the search.
- III. Absent extraordinary circumstances, a search of a student's person or possessions shall be conducted by a school administrator or designee in the presence of another school employee as a witness. Prior to the search, the witness must be told, in the presence of the student, of the alleged wrongdoing and of the evidence believed to be hidden on the student's person or in the student's possession.
 - A. The student shall be asked to consent to the search in the presence of the witness.
 - B. The search shall be limited to the evidence declared to be the objective of the search.

- C. The person conducting the search shall make a reasonable effort to notify the parent or guardian before, or as soon as possible after, any search of the student's person.
 - D. School personnel may not require students to expose intimate undergarments or to expose skin normally covered by intimate undergarments in the process of a search except in extraordinary circumstances when necessary to avoid an immediate threat or danger to safety, welfare, or health, and less intrusive means are not practical. Students should not be unnecessarily touched and should be searched by school personnel of the same sex as the student.
 - E. A written report shall be prepared within twenty-four (24) hours by the person conducting the search. The report shall include the student's name, age, and sex; the date, time, and place of the search; the alleged wrongdoing; the evidence sought; the scope and methods of the search; the name of the school employee who witnessed the search; and the report shall be filed in the principal's office.
- IV. In extraordinary circumstances, such as an emergency involving weapons, destruction of evidence, escape, or an immediate threat or danger to the student or others from the suspected object of the search, such procedures of Section III above which cannot be reasonably complied with prior to an immediate search may be omitted. Any search must be documented by a written report, as required above, and filed in the principal's office as soon as possible thereafter, and shall describe the circumstances supporting non-compliance with the Section III procedures.
- V. School personnel should call for the support and assistance of the proper law enforcement agency in dangerous situations.

Review Responsibility: Instructional Division
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