

## **Student Privacy and Searches**

State law provides that at certain ages, students attain the right to decide for themselves what records will remain confidential, even from their parents, and what activities the student will participate in. At age eighteen students become legal adults and must approve any disclosure of information about themselves from program records, except directory information if a request for confidentiality has not been filed. Students at age eighteen may also sign releases, authorizations or permission slips to participate in program activities, and may sign themselves out of programs. Students between sixteen and eighteen who have been granted legal emancipation from their parents or guardians have the same rights as eighteen year old students. Students over fourteen years of age have the right to keep private from everyone any ESD 112 records indicating that they have been tested or treated for a sexually transmitted disease. Students thirteen years and older have confidentiality rights in records regarding drug, alcohol or mental health treatment. All students have confidentiality rights in family planning or abortion records.

### **A. Searches of Students and Personal Property**

Personal privacy is a fundamental aspect of individual liberty. All students possess the constitutional right to be secure in their persons, papers, and effects against unreasonable searches and seizures. Staff will take particular care to respect students' privacy.

The ESD has the authority to maintain order and discipline in programs and to protect students from exposure to illegal drugs, weapons, and contraband. The Superintendent, the Assistant Superintendent, and other staff designated by the Superintendent or Assistant Superintendent will have the authority to conduct reasonable searches on school property as provided by board policy.

A search is required when there are reasonable grounds to suspect a student has a firearm on ESD 112 grounds, transportation or at program events.

Prior to conducting a search, the student will be asked to consent to be searched by removing all items from pockets or other personal effects. If the student refuses to consent to the search, the student's personal belongings, and the student's locker/storage area, may be searched as follows:

1. Any search of a student conducted by a program employee must be reasonably related to the discovery of contraband or other evidence of a student's violation of the law or ESD 112 rules.

For the purpose of this policy, "contraband" means items, materials, or substances the possession of which is prohibited by law or ESD policy, including but not limited to, controlled substances, alcoholic beverages, tobacco products, or any object that can reasonably be considered a firearm or a dangerous weapon; and

2. Searches will be conducted in a manner which is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction.

No student will be subject to a strip search or body cavity search by ESD 112.

ESD 112 employees may consult with local law enforcement officials regarding the advisability of a search on ESD 112 premises by a law enforcement officer if evidence of criminal activity is likely to be seized.

The Superintendent will develop procedures regulating searches of students and their personal property.

**B. Locker/Storage Area Searches**

Students may be assigned lockers or storage areas for storing and securing their books, school supplies, and personal effects. Lockers, desks, and storage areas are the property of ESD 112. No right or expectation of privacy exists for any student as to the use of any space issued or assigned to a student by ESD 112. Lockers and other spaces are subject to search in accordance with ESD 112 policy.

No student may use a locker, desk, or storage area to store any substance or object which is prohibited by law or program rules or which poses a threat to the health, safety or welfare of the occupants of the ESD 112 building or the building itself.

Any student's locker, desk, or other storage area will be subject to search if reasonable grounds exist to suspect that the search will yield evidence of the student's violation of the law or program rules. Any search of an individual student's locker will be conducted according to board policy governing personal searches.

All student lockers may be searched at any time without prior notice and without reasonable suspicion that the search will yield evidence of any particular student's violation of the law or program rules. If the program official conducting such a search develops a reasonable suspicion that any container inside the locker, including but not limited to a purse, backpack, gym bag, or an article of clothing, contains evidence of a student's violation of the law or program rules, the container may be searched according to board policy governing personal searches.

The Superintendent will establish procedures for conducting searches of lockers, desks, or storage areas.

*Legal References:*

*RCW 13.64.060 Power and capacity of emancipated minor.  
RCW 28A.310.180 ESD board—Compliance with rules and regulations—Depository and distribution center—Cooperative service programs, joint purchasing programs, and direct student service programs including pupil transportation.  
RCW 28A.210.310 Prohibition on use of tobacco products on school property.  
RCW WAC 392-400-215 Student rights.*

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