

Procedure: Student Privacy and Searches

The purpose of this procedure is to assist ESD employees in understanding and implementing the expectations and legal requirements related to student privacy and searches. This procedure is intended to set forth guidelines for conducting searches of students and their property in a manner that is lawful, respectful, and consistent with ESD policy. It outlines the standards for establishing reasonable grounds, conducting searches, and inspecting student-assigned spaces such as lockers and desks, while upholding students' constitutional rights and ensuring a safe and orderly program environment.

Searches of Students and Their Property

Students and their property may be searched upon entry to an ESD program operated in ESD facilities, as allowed by law or applicable behavior intervention plans. A program director, the Superintendent or an ESD cabinet member may authorize an ESD employee to search a student if reasonable grounds exist to suspect that evidence of a violation of the law or ESD rules will be uncovered. ESD employees will report a student's suspicious activity to their program director who will conduct or authorize an employee to conduct a search of the student or the student's property. The program director will, when reasonably feasible, connect with their cabinet member, the superintendent, or ESD legal counsel, prior to initiating or authorizing the search. Efforts to connect with a cabinet member, the superintendent or legal counsel is not required when the risk of harm to students or employees demands immediate action. A search is required when there are reasonable grounds to suspect a student has a firearm on ESD property, transportation, or at ESD events.

Establishing Reasonable Grounds

A search may occur if the Superintendent, cabinet member or program director has reasonable grounds to believe that the search will produce evidence of unlawful activity or a violation of ESD rules. To determine whether reasonable grounds exist, the following questions should be considered:

1. Identify (a) the student's suspicious conduct, behavior or activity; (b) the source of the information, and (c) the reliability of that source.
2. If suspicion were confirmed, would the conduct be a violation of the law or program rules?
3. Is the student likely to possess or have concealed any item, material or substance that is prohibited, or which would be evidence of unlawful activity or a violation of ESD rules?

Conducting the Search

If reasonable grounds exist to search a student's clothing, personal effects, vehicle, or personal container located on ESD property, the search will be conducted in a manner that is respectful of the student's rights and consistent with ESD policy. The student will be asked to voluntarily remove all items from their pockets, purses, handbags, backpacks, gym bags, or other containers. If the student refuses to cooperate, the student should be held until a parent or guardian can be contacted to provide consent. If a parent or guardian cannot be reached in a reasonable time, the Superintendent or legal counsel may authorize the program director or other employee to proceed with the search. The search must not be

excessively intrusive in light of the student's age, sex, and the nature of the suspected infraction. Strip searches and body cavity searches are prohibited.

Locker, Desk, and Storage Area Searches

Lockers, desks, and storage areas are the property of ESD and are provided for student use. Students have no expectation of privacy in these areas. The Superintendent, cabinet member or program director may authorize an employee to inspect, lockers, desks, or storage areas at any time without prior notice and without reasonable suspicion. Administrative or health and welfare inspections may be conducted at any time to locate missing property, ensure cleanliness, or address safety concerns.

To search closed containers within a student's locker, desk, or storage area (such as backpacks, purses, containers or clothing) at times when all students are not subject to an administrative search or the search is not being done pursuant to a behavior intervention plan, reasonable grounds must exist that the search will yield evidence of a violation of the law or ESD rules. A "container" for the purpose of this procedure may include an article of clothing, a handbag, purse, backpack, gym bag, or any other item in which contraband material may be concealed.

Adoption Date: **8-5-2025**