

STUDENT SEARCH ACTIVITIES

It is the policy of the Evansville Community School District to provide a safe and healthy environment for all persons in school buildings and on school premises. School officials have a duty to investigate any suspicion that items or materials harmful to the health and safety of students, school personnel, or property are present within the school or on school premises. This includes, but is not limited to, conducting search activities as outlined in this or other Board policies.

- Locker Searches

A school locker is provided for the convenience of the student to be used solely and exclusively for the storage of the student's wearing apparel and school-related materials during the time the student is attending school. No student shall use the locker for any other purpose. The locker is assigned to a student but remains the property of the District. At no time does the District relinquish its exclusive control of the lockers. Locker searches may be conducted as determined necessary or appropriate without notice, without student consent, and without a search warrant. Locker searches under this policy may be conducted by the District Administrator, a building principal or designee, or a law enforcement official acting at the request of or in conjunction with school authorities as listed above.

- Search of Students and/or Their Personal Belongings

District staff may conduct a search of a student or the student's personal belongings (e.g., backpacks) when the student voluntarily consents to the search or where there is reasonable suspicion that the student has in their possession items that violate the law, Board policies or school rules. The search shall be conducted in a reasonable manner and must not be overly intrusive in light of the age and sex of the student and nature of the infraction. Searches of a student's person or personal belongings should generally be conducted outside the presence of other students. No District official, employee, or person acting as an agent of the District shall conduct a strip search of a student.

- Vehicle Searches

The District may search student-operated vehicles parked on school premises when there is reasonable suspicion of a violation of the law, Board policies or school rules or the student has given consent to the search of the vehicle.

- Use of Trained Animal Units in Safety and Search-Related Activities

The Board authorizes the use of trained animal units to detect the presence of drugs, explosive devices, or other illegal items/substances on school property under the following conditions:

1. The presence of the trained animal unit on school property is authorized in advance by the District Administrator or designee or is pursuant to a court order or warrant;
2. A law enforcement officer specifically trained to work safely and completely with the trained animal unit must handle the animal; and
3. The sheriff or chief of the law enforcement agency providing the service verifies the trained animal unit is capable of accurately detecting specific contraband.

The District shall not use trained animal units to sniff a student's person, including articles of clothing a student is wearing or a bag while the student is holding it. A positive reaction by a trained animal unit will provide reasonable suspicion for a search of a student's locker, vehicle or other property in accordance with this policy.

- Use of Metal Detectors

The Board authorizes the use of "wand" metal detectors and/or stationary metal detection equipment and should be limited to those occasions where the school official has an articulable suspicion that the student(s) being examined may be carrying a weapon.

- Use of Passive Alcohol Sensor

The passive alcohol sensor device is a non-invasive high-speed breath alcohol-screening instrument, which can be used as a "sniffer" for overt, or covert alcohol detection. This device may be used to sample a student's breath to detect alcohol use. Screening may be used with individual students when reasonable suspicion exists that a student is under the influence or has used alcohol.

Reasonable suspicion shall refer to any of the following:

1. Observed use or possession of alcohol;
2. Odor of an alcoholic beverage or the presence of an alcohol container;
3. Slurred speech, unsteady gait, lack of coordination, bloodshot or glazed eyes; or

All due process rights of students will be observed. Further, the Board allows the use of passive alcohol sensor devices at school, on school buses or at any school-sponsored activity.

When an administrator has reasonable suspicion that a student is under the influence of alcohol at school or a school-sponsored event, the student shall be given a passive alcohol sensor screening (PAS). If the student fails the passive assessment, they will be given a fifteen minute wait period after which the passive screening will be re-administered. If screening results are negative, no action shall be taken. If the student declines to take the screening, when reasonable suspicion exists, or if such screening proves positive they shall be subject to appropriate disciplinary action as set out in the District's disciplinary policies.

To the extent permitted by law, a school official conducting student-related search activities under this or any other Board policy may request the active assistance of a law enforcement official. When a law enforcement officer(s) is conducting a search in conjunction with school authorities, the officer(s) may comply with the same reasonable suspicion standard as school personnel in conducting the search, as opposed to their usual probable cause standard.

To the extent prohibited by law, school employees shall not request or require a student to disclose the access information for any of the student's personal Internet accounts. School officials may remove any unauthorized item found as a result of a search. Items belonging to the student but removed or temporarily confiscated by the District will generally be held by the school for return to the student's parent/guardian (for students who are minors) or, if appropriate, turned over to law enforcement. The student and their parent/guardian shall be notified of any unauthorized item belonging to the student/family that has been found and turned over to law enforcement officials.

Students and their parents/guardians shall be informed of this policy and the specific provisions related to locker searches through the student and family handbook.

Legal Ref.: Sections 118.32 Wisconsin Statutes (Strip Search by School Employees)
118.325 (Locker Searches)
118.45 (Tests for Alcohol Use)
948.50 (Strip Search by School Employee)
995.55(3) (Access to Personal Internet Accounts of Students)

Local Ref.: Student and Family Handbooks
Policy #447 – Student Discipline: Detention, Suspension and Expulsion