

STUDENTS

RIGHTS AND RESPONSIBILITIES – Search and Seizure

The Regional Office of Education recognizes the need to maintain a safe and healthy environment while protecting the individual constitutional rights of its students. To maintain order and security in the school, school authorities may inspect and search desks, lockers, parking lots or other property owned or controlled by the school and personal effects left in these areas without notice to or the consent of the student, and without a search warrant. In addition, school authorities may request the assistance of law enforcement officials, and their specially trained dogs for the purpose of conducting searches of these areas for illegal drugs, weapons, or other illegal or dangerous substances or materials.

The ROE has jurisdiction over student actions in school, on school property, during school-sponsored activities or events and during any activity that bears a reasonable relationship to school. Upon reasonable suspicion that a student over whom the school has jurisdiction has violated the law or the ROE's rules, the Regional Superintendent or his/her designee(s) is authorized to conduct a search of the student.

1. Strip searches and body cavity searches by school personnel are prohibited.
2. Regional Superintendent or designee will establish procedure for evidence preservation.
3. Regional Superintendent or designee will inform parents as soon as possible of student search and the confiscation of student's illegal possession(s).
4. Regional Superintendent or designee shall notify the police when there is a reasonable suspicion that an illegal act has occurred or when circumstances indicate that it is in the best interest of the school or student(s).
5. If a search conducted in accordance with the ROE's policy produces evidence that the student has violated or is violating either the law or the ROE's rules, such evidence may be seized by school authorities, and disciplinary action may be taken. When deemed appropriate, properly seized evidence shall be turned over to law enforcement authorities.

LEF. REF.: People v. Dilworth, __Ill, 2d__ No. 78274 slip op. Jan. 18, 1996.
Wallace v. The Batavia School District 101, __F. 3D__ (7th Cir. 1995).
Doe v. Renfrow, 475 F. Supp. 1012 (N. D. Ind. 1979).

Approved: 07/01/01