

Sacred Heart School
Boone, IA

SEARCHES

It is the policy of Sacred HEart School to operate its educational institution in a Catholic, orderly environment. Recognizing that the presence of contraband on school property or on the person of a student attending school is not consistent with the above policy, Sacred Heart School hereby adopts the following rules relating to the search of students or protected student areas, and to the search or periodic inspection of other school property or facilities provided to students. Searches can take place at school or at school-sponsored events.

The school administration shall annually notify parents and students of this policy in the student handbook.

A. Definitions:

"**School official**" means a licensed school employee and includes unlicensed school employees employed for security or supervision purposes.

"**Contraband**" includes substances or items which, if found on school property or at school-sponsored events, violate the law or school policies, rules or regulations, or are detrimental to an orderly environment at school. Contraband includes by way of illustration, but is not limited to, drugs, narcotics, tobacco, liquor, weapons and stolen property. It consists of substances or items which may cause a substantial disruption of the school environment, and/or which present a threat to the health and safety of the students and/or staff.

"**Protected student area**" includes, but is not limited to:

- a. A student's body.
- b. Clothing worn or carried by a student.
- c. A student's pocketbook, briefcase, duffel-bag, book-bag, backpack, knapsack, or any other container used by a student for holding or carrying personal belongings of any kind, and in the possession or immediate proximity of the student.

B. Search of Student and/or Protected Student Area by School Official

1. A school official may conduct a search of a student or other protected student area only if all of the following apply:
 - a. The school official has a reasonable and articulable suspicion that the search will produce evidence that a student has violated or is violating either the law or a school policy, rule or regulation.
 - b. The search is conducted in a manner which is reasonably related to the objectives of the search and which is not excessively intrusive in light of the age and gender of the student and the nature of the infraction.

2. Under no circumstances may a search be made which is unreasonable in light of the following:
 - a. The age of the student.
 - b. The non-seriousness of the violation.
 - c. The sex of the student.
 - d. The nature of the suspected violation.
3. A school official shall not conduct a search which involves:
 - a. A strip search.
 - b. A body cavity search.
 - c. The use of a drug sniffing animal to search a student's body.
 - d. The search of a student by a school official not of the same sex as the student.
4. If a student is not or will not be present at the time a search of a protected student area is conducted, the student shall be informed of the search either prior to or as soon as is reasonably practicable after the search is conducted.
5. If a student refuses reasonable requests to search the student or other protected student area these refusals can be used as evidence against the student. The student's parents or guardian will be notified.

C. Searches or Inspections of Areas other than Protected Student Areas

1. School officials may, without notice, conduct periodic inspections of all, or a randomly selected number of, school lockers (whether locked or unlocked), desks, or other facility or space issued, assigned to, or chosen by the student. A locker inspection under this subsection shall only occur in the presence of the students whose lockers are being inspected or at least one other person.
2. If a search of a school locker, desk, or other facility or space issued, assigned to, or chosen by a student, reveals a violation of the law or the rules of the school regarding dangerous weapons or controlled substances, the violation shall constitute reasonable grounds for future searches without advance notice to the student of the student's school locker, desk, or other facility or space issued or assigned to, or chosen by the student.
3. If a search reveals possession by a student of alcohol or any controlled substance on school premises, the school shall have procedures in place to contact the appropriate law enforcement agency.

D. Student Search by Police Officer

1. If school administration believes a student has dangerous or illegal items that threaten the safety of others the police may be contacted for assistance.
2. In a search of a student or a protected student area by a police officer who is not a school official, or by a school official at the invitation or direction of a police officer who is not a school official, the school defers to the law enforcement personnel for compliance with any legal requirements for police searches.

Legal Reference: Iowa Code 280.24; 808A

New: 01/21 (adopted from Sioux City Diocesan Board of Education Policy)

Reviewed:

Updated: