

## **STUDENT SEARCH AND SEIZURE**

The right of inspection of student lockers or articles carried on their person or brought onto school grounds is inherent in the authority granted schools and Administrators by the State of Wisconsin in exercising a "Loco Parentis" relationship with the student during the school day or at school sponsored activities.

A search of a student locker/desk or personal belongings "must be reasonable" in its inception and in its scope. There should be reasonable suspicion for suspecting that a search will turn up evidence that the student has violated or is in violation of the law or of the rules of the school. The measures of the search must be reasonable related to the purpose of the search and are not excessive in light of the age and gender of the student and the nature of the suspected infraction. Reason and common sense should prevail at all times for determining the necessity of a student search. Criteria for a decision should include, but not be limited to: age, gender, history and record of the child to be searched, seriousness of the problem, need for a search without delay, reliability of the information used as justification for the search, and the teacher's, preferably the Administrator's, prior experience with the student.

A search of a student is considered under the Fourth Amendment of the U.S. Constitution if it meets the following two tests:

1. There must be reasonable grounds to suspect the search will reveal evidence of violations of either the law or school rules; and,
2. The way in which the search is conducted must be reasonably related to the objectives of the search and must not be overly intrusive in light of the age and gender of the student and the nature of the infraction.

School officials may conduct searches and seizures based on reasonable suspicion and staff should remain sensitive so as not to invade the privacy of their students any more than necessary to achieve the legitimate end of preserving order in the schools. Strip searches are illegal and will not be condoned by the school district at any time. If the nature of the problem is so serious or severe that this type of search is to be considered, law enforcement agencies will be contacted immediately.

Adopted: March 8, 2021  
Revised:

Legal Administrative Code: PI 3.55 – 3.63  
References: Wisconsin Statutes: 115.35; 115.36; 115.361; 118.01(2)(d)2,6; 118.127;  
118.24(2)(f); 118.257; 118.45; 125.037; 125.09(2); 961.495