

STUDENTS

7:140 Search and Seizure

In order to maintain order and security in the schools, school authorities are authorized to conduct reasonable searches of school property and equipment, as well as of students and student's personal effects when a reasonable suspicion exists that a student has violated the law, local ordinances, or P.A.E.C. policies or rules. "School authorities" includes school liaison police officers.

Students and Their Personal Effects

School authorities may search a student and/or the student's personal effects (including, but not limited to, purses, wallets, knapsacks, book bags, lunch boxes, notebooks, and outer clothing) when there is a reasonable suspicion that the particular student has violated or is violating either the law or the Member District's or P.A.E.C.'s policies or rules.

When feasible, the search should be conducted:

1. outside the view of others, including other students,
2. in the presence of an Administrator, psychologist, social worker, teacher, or other certified personnel; and
3. by an individual of the same sex as the student.

As soon as practicable, a written report shall be completed by the school authority who conducted the search and submitted to the Executive Director. The parent(s)/guardian(s) of a student searched shall be notified of the search as soon as practicable.

School Property and Equipment as well as Personal Effects Left There By Students

School authorities may inspect and/or search school property and/or equipment owned or controlled by P.A.E.C. such as, lockers, desks, and parking lots, as well as any personal effects left in these places or areas by a student, without notice to or the consent of the student. Students have no reasonable expectation of privacy in these places or areas or in their personal effects left there.

The Executive Director or designee may request the assistance of law enforcement officials to conduct inspections and searches of lockers, desks, parking lots, and other school property and equipment for illegal drugs, weapons, or other illegal or dangerous substances or materials, including searches conducted through the use of specially trained dogs.

Seizure of Property

If a search produces evidence that the student has violated or is violating either the law or P.A.E.C.'s policies or rules, such evidence may be seized and impounded by school authorities, and disciplinary action may be taken. When appropriate, such evidence may be transferred to law enforcement authorities.

Notification Regarding Student Accounts or Profiles on Social Networking Websites

The Executive Director or designee shall notify students and their parents/guardians of each of the following in accordance with the Right to Privacy in the School Setting Act, 105 ILCS 75/:

1. School officials may not request or require a student or his or her parent/guardian to provide a password or other related account information to gain access to the student's account or profile on a social networking website.

2. School officials may conduct an investigation or require a student to cooperate in an investigation if there is specific information about activity on the student's account on a social networking website that violates a school disciplinary rule or policy. In the course of an investigation, the student may be required to share the content that is reported in order to allow school officials to make a factual determination.

LEGAL REF.:

105 ILCS 5/10-20.14, 5/10-22.6, and 5/10-22.10a.

Right to Privacy in the School Setting Act, 105 ILCS 75/.

Cornfield v. Consolidated High School Dist. No. 230, 991 F.2d 1316 (7th Cir. 1993).

People v. Dilworth, 169 Ill.2d 195 (1996), *cert. denied*, 116 S.Ct. 1692 (1996).

People v. Pruitt, 278 Ill.App.3d 194 (1st Dist. 1996), *app. denied*, 667 N.E. 2d 1061 (Ill.App.1, 1996).

T.L.O. v. New Jersey, 469 U.S. 325 (1985).

Vernonia School Dist. 47J v. Acton, 515 U.S. 646 (1995).

Safford Unified School Dist. No. 1 v. Redding, 557 U.S. 364 (2009).

CROSS REF.: 7:130 (Student Conduct), 7:150 (Agency and Police Interviews), 7:190 (Student Behavior)

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Proviso Area for Exceptional Children (P.A.E.C.)
