

Student Privacy and Searches

Student Privacy

State law provides that at certain ages, students attain the right to decide for themselves what records will remain confidential, even from their parents, and what activities the student will participate in.

At age eighteen (18) students become legal adults and must approve any disclosure of information about themselves from school records, except directory information if a request for confidentiality has not been filed. Students at age eighteen may also sign releases, authorizations or permission slips to participate in school activities, and may sign themselves out of school and authorize their own absences. Students between sixteen and eighteen who have been granted legal emancipation from their parents or guardians have the same rights as students who are eighteen years old.

Students over fourteen (14) years of age have the right to keep private from everyone any district records indicating that they have been tested or treated for a sexually transmitted disease.

Students thirteen (13) years and older have confidentiality rights in records regarding drug, alcohol or mental health treatment.

All students have confidentiality rights in family planning or abortion records.

Searches of Students and Personal Property

Personal privacy is a fundamental aspect of individual liberty. All students possess the constitutional right to be secure in their persons, papers, and effects against unreasonable searches and seizures. Staff will take care to respect students' privacy while also taking appropriate action to ensure safety and maintain an environment conducive to learning.

School officials have authority to maintain order and discipline in the schools and to protect students from exposure to illegal drugs, weapons, and contraband. The superintendent, the principal, and other staff designated by the superintendent will have the authority to conduct reasonable searches on school property and at school sponsored events as provided by board policy.

A search is required when there are reasonable grounds to suspect a student has a firearm on school grounds, transportation or at school sponsored events. A search is allowed when a school official has reasonable grounds to suspect a student has drugs, alcohol or other contraband. Searches of electronic devices are also allowed per policy 3245.

Prior to conducting a search, school officials will ask that the student consent to be searched. If the student refuses to consent to the search, school officials may proceed to search the student, the student's personal belongings, and the student's locker, as follows:

1. Any search of a student conducted by a school district employee must be reasonably related to the discovery of contraband or other evidence of a student's violation of the law or school rules.

For the purpose of this policy, "contraband" means items, materials, substances or electronic content the possession of which is prohibited by law or district policy, including but not limited to, controlled substances, alcoholic beverages, tobacco products, or any object that can reasonably be considered a

firearm or a dangerous weapon; and

2. Staff will conduct searches in a manner which is not excessively intrusive in light of the age and sex of the student and the nature of the suspected infraction. Searches will be conducted with two staff present whenever possible.

No student will be subject to a strip search or body cavity search by school staff.

School officials may consult with local law enforcement officials regarding the advisability of a search on school premises by a law enforcement officer if evidence of criminal activity is likely to be seized.

The superintendent will develop procedures regulating searches of students and their personal property.

Searches of Lockers, Baskets, Desks, Cubbies and other School-Owned Storage Areas

Students may be assigned lockers or other school-owned storage areas for storing and securing their books, school supplies, and personal effects. Lockers, desks, and storage areas are the property of the school district. No right or expectation of privacy exists for any student as to the use of any space issued or assigned to a student by the school. Lockers and other spaces are subject to search in accordance with district policy.

No student may use a locker, desk, or storage area to store any substance or object which is prohibited by law or school rules or which poses a threat to the health, safety or welfare of the occupants of the school building or the building itself.

Any student's locker, desk, or other storage area will be subject to search if reasonable grounds exist to suspect that the search will yield evidence of the student's violation of the law or school rules. Any search of an individual student's locker will be conducted according to board policy governing personal searches.

Additionally, all student lockers may be searched at any time without prior notice and without reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rules. If the school official conducting such a search develops a reasonable suspicion that any container inside the locker, including but not limited to a purse, binder, backpack, gym bag, electronic device or an article of clothing, contains evidence of a student's violation of the law or school rules, the container or device may be searched according to board policy governing personal searches.

The superintendent will establish procedures for conducting searches of lockers, desks, or storage areas.

Cross References: 3245 - Students and Telecommunication Devices
 3231 - Student Records

Legal References: RCW 13.64.060 Power and capacity of emancipated minor
 RCW 28A.320.040 Bylaws for board and school government
 RCW 28A.600.020 Exclusion of student from classroom — Written disciplinary procedures — Long-term suspension or expulsion
 RCW 28A.600.210-240 School locker searches — Findings
 RCW WAC 392-400-215 Student rights

Management Resources: Policy News, June 1999 School safety bills impact policy

Adoption Date: December 8, 2021

Classification: **Encouraged**

Revised Dates: