

BOARD OF EDUCATION

Cherry Hill, New Jersey

POLICY 5145.12

SEARCH AND SEIZURE

School lockers remain the property of the district even when used by pupils. Lockers are subject to administrative search in the interest of school safety, sanitation, discipline, enforcement of school regulations and to search by law enforcement officials on presentation of a proper warrant. Pupils shall be informed of this policy when lockers are assigned.

A pupil's person and possessions may be searched by a school official provided that the official has reasonable grounds to suspect that the search will turn up evidence that the pupil has violated or is violating either the law or the rules of the school. Under no circumstances shall a search be conducted based solely upon an anonymous tip and/or a rumor that contraband is present. The extent or scope of the search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the pupil and the nature of the infraction. A bodily search may only be conducted by a staff member of the same sex as the pupil. Before instituting such a search, except in cases of emergency, the principal shall try to inform the parents/guardians and request their presence.

School personnel shall not conduct strip searches or body cavity searches of any pupils under any circumstances.

Searches for Controlled Dangerous Substances/Drug Paraphernalia/Alcohol/Firearms/Other Deadly Weapons

Searches conducted by staff when there is suspicion that laws and policies on safe and drug-free schools are being violated shall be based on the reasonable grounds required by this policy. When law enforcement officials conduct the search, the more stringent grounds required by law must be applied. See Policies 5131.6: Substance Abuse, 5131.7: Firearms, Weapons and Dangerous Instruments.

Legal References:

- N.J.S.A. 2A:4A-60 et al. Disclosure of juvenile information; penalties for disclosure*
- N.J.S.A. 18A:11-1 General mandatory powers and duties*
- N.J.S.A. 18A:36-19.2 Inspection of student lockers*
- N.J.S.A. 18A:37-6.1 Strip body cavity searches of pupils prohibited*
- N.J.S.A. 18A:54-20 Powers of board (county vocational schools)*
- N.J.A.C. 6:29-10.1 et seq. Safe and drug free schools*
- N.J.A.C. 6: 16-1.1 et seq. Programs to support Student Development*
See particularly
- N.J.A.C. 6A: 16-6-6.1 et seq.*

State in interest of T.L.O., 94 NJ 33 (1983); New Jersey v. T.L.O 469 U.S. 324 (1985), U.S. , 53 USLW 4083
Vernonia School District 515 U.S. 646 (1995) 47J v. Acton et ux., Guardians ad litem for Acton, U.S. , 115 S.Ct.
2386
(1995)

Adopted: 9/23/85
Revised: 4/20/98, 12/18/01

