

POLICY

SOUTH ORANGE MAPLEWOOD BOARD OF EDUCATION

Students
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STUDENT RIGHT OF PRIVACY

5770 STUDENT RIGHT OF PRIVACY

The Board of Education recognizes that a student's right of privacy may not be violated by unreasonable search and seizure and directs that no student be searched except in accordance with this policy without reason or in an unreasonable manner.

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Teaching staff members are charged with the responsibility of maintaining order and discipline in the schools and of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, a teaching staff member may search or request the search of the person or property of a student as authorized by this policy, with or without the student's consent, whenever he or she the staff member has reasonable grounds to suspect believe that the search is required to discover evidence of an imminent threat of harm to the students or others or evidence of a violation of law, ~~or of school rules.~~ The extent of the search will be governed by the seriousness of the suspected violation alleged infraction, the student's age, and the student's disciplinary history. Except in exigent circumstances, an intrusive search of a student's person or intimate personal belongings, such as a cellphone, purse or backpack, shall be conducted by a certified staff member ~~person~~ of the student's requested gender, ~~and observed by a second certified staff member of the student's gender.~~ Under no circumstances shall any student be subjected to a strip search or a body cavity search.

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~~The Board acknowledges the need for the in-school storage of students' possessions and shall provide storage places, including desks and lockers, for that purpose. Where locks are provided for such storage places, students may lock them against incursion by other students. In no storage place provided by the Board shall students have such an expectation of privacy as to prevent examination by a school official. Students shall be notified in writing at the beginning of each school year that inspections of their lockers, desks, and other storage facility may be conducted. The school principal or designee are directed to conduct, without further notice, the regular inspection of such facilities provided to students for the storage of property. Unless an emergency, the Superintendent and the parent/guardian shall be notified in advance of the proposed search of a student's person or intimate personal belongings.~~

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Unless an emergency, a search will be conducted by the Principal in the presence of the student, the student's parent(s) or legal guardian(s) or a representative of the parent(s) or legal guardian(s), as well as a teaching staff member other than the Principal. Under no circumstances shall any student be subjected to a strip search or a body cavity search.

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The Board acknowledges the need for the in-school storage of students' possessions and shall provide storage places, including desks and lockers, for that purpose. Where locks are allowed for such storage places, students may lock them against incursion by other



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students. In no storage place provided by the Board shall students have such an expectation of privacy as to prevent examination by a school official. Students shall be notified in writing at the beginning of each school year that inspections of their lockers, desks, and other storage facilities may be conducted. The school principal or designee are directed to conduct, without further notice, the regular inspection of such facilities provided to students for the storage of property.

Optional

~~The Superintendent shall be notified of the proposed search of a student's person or intimate personal belongings.~~

~~Whenever possible, a search will be conducted by the Principal in the presence of the student, the student's parent(s) or legal guardian(s) or a representative of the parent(s) or legal guardian(s), and a teaching staff member other than the Principal. Under no circumstances shall any student be subjected to a strip search or a body cavity search.~~

~~A search conducted by the Principal or designee shall be carried out whenever possible in the presence of the student, and a certified staff member other than the Principal or designee. The parents or legal guardians shall be promptly notified of such search.~~

A search prompted by the reasonable belief that the circumstances are exigent and pose an immediate threat, will be conducted by any teaching staff member with as much speed and dispatch as may be required to protect persons and property.

The Principal shall conduct a student search on the request of a law enforcement officer only on presentation of a duly authorized search warrant or on the voluntary and knowing consent of the student (if age 18 or older) or the student's parent/guardian (if the student is younger than 18). The Superintendent or designee shall ensure that the annual Code of Conduct includes an updated "know your rights" section, or when the Principal has independent grounds to suspect the presence of an incriminating object.

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The Principal or designee shall be responsible for the prompt recording in writing of each student search of a student, including the reasons for the search; information received that established the need for the search and the name of the informant, if any; the persons present when the search was conducted; any substances or objects found; and the disposition made of them; the gender, race, and ELL or IEP status of the student searched; when the student's parent/guardian was notified of the search (regardless of the outcome of the search); and plans to follow up with the student to provide support. Each month, the

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Board shall receive a written report detailing this information for each search of a student (if there are any searches that month). The Principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

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N.J.S.A. 18A:36-19.2, 18A:37-6

Adopted: 2 April 2001

First Reading: September 20, 2021

Second Reading October 18, 2021

Adopted:

