

DRAFT UPDATE

Students

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, including school electronic devices, as well as of students and their personal effects, including personal electronic devices. "School authorities" includes school liaison police officers.

School Property and Equipment and Personal Effects Left There by Students

School authorities may inspect and search property and equipment owned or controlled by the school (such as, lockers, desks, and parking lots), as well as personal effects left there by a student, without individualized suspicion or notice to or consent of the student. Students have no reasonable expectation of privacy in these places or areas or in their personal effects left there. In addition, the Principal shall require each high school student, in return for the privilege of parking on school property, generally to consent in writing to school searches of his or her vehicle and personal effects therein without individualized suspicion or notice or specific consent of the student.

The Superintendent may request the assistance of law enforcement officials to conduct inspections and searches of property and equipment owned or controlled by the school for illegal drugs, weapons, or other illegal or dangerous substances or materials, including inspections conducted through the use of specially trained dogs and metal detectors.

Students and Personal Effects in Student Possession

School authorities may search a student, the student's personal effects in the student's possession (such as, purses, wallets, knapsacks, book bags, lunch boxes, cell phones, tablet and laptop computers, etc.), and the student's vehicle parked on school property where no general consent is on file, when there is a reasonable ground for suspecting that the search will produce evidence the particular student has violated or is violating the law or the District's policies or rules. The search must be conducted in a manner that is reasonably related to its objective and not excessively intrusive in light of the student's age and sex and the nature of the infraction.

When feasible, the search should be conducted as follows:

1. Outside the view of others, including students;
2. In the presence of a school administrator or adult witness; and
3. By a certificated employee or liaison police officer of the same sex as the student.

Immediately following a search, a written report shall be made by the school authority who conducted the search, and given to the Superintendent or his/her designee.

Seizure of Property

If a search produces evidence that the student has violated or is violating the law or the District'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.

DRAFT UPDATE

Notification Regarding Student Accounts or Profiles on Social Networking Websites

~~State law requires the District to~~ The Superintendent or designee shall notify students and their parents/guardians ~~that 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. ~~This request may be made only if there is reasonable cause to believe that the student's account contains evidence that he or she violated a school disciplinary rule or Board policy.~~
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, 661 N.E.2d 310 (Ill., 1996), *cert. denied*, 116 S.Ct. 1692 (1996).
People v. Pruitt, 662 N.E. 2d 540 (Ill.App.1, 1996), *app. denied*, 667 N.E. 2d 1061 (Ill.App.1, 1996).
T.L.O. v. New Jersey, 105 S.Ct. 733 (1985).
Vernonia School Dist. 47J v. Acton, 115 S.Ct. 2386 (1995).
Safford Unified School Dist. No. 1 v. Redding, 129 S. Ct. 2633 (2009).

CROSS REF.: 7:130 (Student Rights and Responsibilities), 7:150 (Agency and Police Interviews), 7:190 (Student Discipline)

ADOPTED: May 22, 2014

Commented [A1]: Policy is amended in response to the Right to Privacy in the School Setting Act, 105 ILCS 75/15, amended by P.A. 99-460. This law prohibits school officials from requiring or requesting a student to provide a password or other related account information. It requires districts to provide parents/guardians with notice of the law. The notification must be published in the school's disciplinary rules, policies, or handbook, or communicated by similar means. For sample handbook language, see the Illinois Principals Association *Online Model Student Handbook (MSH)* at: www.ilprincipals.org/resources/model-student-handbook.

Issue 90, October 2015

Commented [A2]: As permitted by the Act, the policy authorizes school officials to require a student to share the content of a social networking website in certain limited situations.

Issue 90, October 2015