

Prior to conducting a student search, as defined in Section 7 of Nebo School District Policy JD, *Student Conduct and Discipline*, a school administrator must articulate the reasonable suspicion upon which the search is conducted. A search must be: (1) justified at its inception; and (2) reasonable in its scope.

### **JUSTIFIED AT INCEPTION**

First, a search is justified at its inception if there are reasonable grounds for suspecting that the search will reveal evidence that the student has violated or is violating a law, policy, or rule. For example, reasonable grounds may be established through eyewitness accounts of individuals known to be credible.

### **REASONABLE IN SCOPE**

Second, a search is reasonable in its scope if the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the student's age and gender and the nature of the infraction. For example, if a student is reasonably suspected of giving out contraband pills, she may be reasonably suspected of carrying them on her person, and a search of her backpack and outer clothing would be justified. However, a search of the contents of her cellphone would not be justified because pills cannot be found by viewing the electronic data in her phone.

### **ESTABLISH REASONABLE SUSPICION PRIOR TO SEARCH**

To ensure that a search is both justified at its inception and reasonable in its scope, the administrator must be able to clearly articulate and respond to the following questions before a student search may occur. If the administrator conducting the search cannot clearly articulate and respond to the questions, the search cannot take place.

1. What law, policy, or rule is the student suspected of violating?
2. What evidence does the school possess that gives rise to the suspected violation?
3. What item related to the violation is being sought?
4. How will the sought item provide further evidence of the violation identified in question 1 above?
5. What is the area(s) to be searched?
6. Why is the sought item suspected of being presently located in the place to be searched?
7. How has the age, gender, and maturity of the student been taken into consideration?
8. What is the nature of the infraction as compared to the intrusiveness of the search?

### **DOCUMENTATION FOLLOWING SEARCH**

After a student search has been conducted, the following information must be documented in Nebo School District's Student Information System regardless of whether prohibited items are found or the student receives disciplinary action.

1. Responses to the eight questions that established reasonable suspicion prior to the search.
2. Name of administrator(s) conducting/witnessing the search.
3. Date, time, and location of the search.
4. Description of the area searched.
5. List of all items found during the search and statement as to their confiscation and/or safekeeping.
6. Disciplinary action, if any, taken against the student.
7. Information regarding the attempts of school officials to notify parents about the search.