

# **DELANCO TOWNSHIP BOARD OF EDUCATION**

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Pupil Right of Privacy**

## **PUPIL RIGHT OF PRIVACY**

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

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 pupils in their care. In the discharge of that responsibility, a teaching staff member may search the person or property of a pupil, with or without the pupil's consent, whenever he or she has reasonable grounds to suspect that the search is required to discover evidence of a violation of law or of school rules. The extent of the search will be governed by the seriousness of the alleged infraction, the pupil's age, and the pupil's disciplinary history. Except in exigent circumstances, an intrusive search of a pupil's person or intimate personal belongings shall be conducted by a person of the pupil's gender.

The Board acknowledges the need for the in-school storage of pupils' possessions and shall provide storage places, including desks and lockers, for that purpose. Where locks are provided for such storage places, pupils may lock them against incursion by other pupils. The Board directs the school principal to conduct a regular search at least annually of all such storage places.

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

Except as provided below, a request for the search of a pupil or a pupil's possessions will be directed to the building principal or Superintendent who shall, whenever feasible, seek the freely offered consent of the pupil to the inspection. Whenever possible, a search will be conducted by the principal in the presence of the pupil, his or her parent or a representative of the parent, and a teaching staff member other than the principal. Under no circumstances shall any pupil be subjected to a strip search or a body cavity search. A search prompted by the reasonable belief that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

The principal shall conduct a pupil 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 pupil or when the principal has independent grounds to suspect the presence of an incriminating object.

The principal shall be responsible for the prompt recording in writing of each pupil search, 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;

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substances or objects found; and the disposition made of them. The principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a pupil.

N.J.S.A. 2A:4-60

N.J.S.A. 2C:58-6.1; 2C:64-1; 2C:161A-1 et seq.

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

Adopted: September 10, 1986

Revised: July 8, 1998