FGD-Student Rights and Responsibilities: Interrogations and Searches

Search and Seizure

Students shall be free from unreasonable search and seizure by school officials. School officials may search a student or a student's property with reasonable cause or with the student's consent.

New Jersey v. T.L.O., 469 U.S. 325 (1985)

Jones v. Latexo, 499 F. Supp. 223 (ED. Tex. 1980)

Bellnier v. Lund, 438 F. Supp. 47 (N.D.N.Y 1977)

Searches of Places

Students have a limited expectation of privacy of areas such as lockers, which are owned and jointly controlled by the school. These areas may be searched on a school-wide or individual basis when the school determines there is cause to conduct such a search. In addition, the school district has a reasonable and valid interest in insuring that the lockers are properly maintained. For this reason periodic inspection of lockers is permissible to check for cleanliness and vandalism. Any illegal items or contraband discovered during such searches shall be confiscated by school officials and may be turned over to law enforcement officials.

Zamora . Pomeroy, 639 F. 662 (10th Cir. 1981);

Singleton v. Board of Educ. USD 500, 894 F. Supp. 386 (D. Kan. 1995)

Searches of Students

Searches of students' outer clothing and pockets may be conducted if reasonable cause exists.

Singleton v. Board of Educ. USD 500, 894 F. Supp. 386 (D. Kan. 1995)

Doe v. Renfrow, 475 F. Supp. 1012 (N.D. Ind. 1979)

Highly intrusive invasions of a student's privacy, such as searches of the student's person or strip searches, shall be conducted only if individualized reasonable cause exists to believe that there is a legitimate safety concern due to a student's possession of weapons or drugs. These searches must be designed to be minimally intrusive, taking into account the item for which the search is conducted.

Singleton v. Board of Educ. USD 500, 894 F. Supp. 386 (D. Kan. 1995)

Doe v. Renfrow, 631 F.2d 91 (7th Cir. 1980)

Konop v. Northwestern School Dist., 26 F. Supp.2d 1189 (D. S.D. 1998)

Police Involvement

Where school officials initiate a search and police involvement is minimal, the reasonableness standard is applicable. The ordinary warrant requirement and probable cause standard will apply where "outside" police officers initiate, or are predominantly involved in, a school search of a student or student property for police investigative purposes.

Myers v. State, 839 N.E.2d 1154 (Ind. 2005)

F.S.E. v. State, 993 P.2d 771 (Ok. Crim. App. 1999)

In Re Josue T., 989 P.2d 431 (N.M. Ct. App. 1999)

Student Consent

If the District does not have reasonable cause to search a student or his property, the District may search with the student's free and voluntary consent. However, coercion, whether express or implied, invalidates the apparent consent.

Jones v. Latexo, 499 F. Supp. 223 (E.D. Tex. 1980)