

# POLICY

## Board of Education Bernards Township

File Code: 5770  
PUPIL RIGHT TO PRIVACY

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

Professional 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 professional staff member may search or request the search of the person or property of a pupil as authorized by this policy, 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, and the pupil's grade level. Except in exigent circumstances, an intrusive search of pupil's person or intimate personal belongings shall be conducted by a person of the pupil's gender. Under no circumstance shall any pupil be subjected to a strip search or a body cavity search.

The Board acknowledges the need for the in-school storage of pupil's 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. 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 lockers, desks, and other storage facility, may be conducted. The school Principal and the Assistant Principal are directed to conduct, without further notice, the regular inspection of such facilities provided to pupils for the storage of property.

Except as required by exigent circumstances, a request prompted by reasonable suspicion for the search of a pupil or a pupil's private possessions will be directed to the building principal who shall, whenever feasible, first request the freely offered consent of the pupil to the inspection. The pupil will be permitted to contact a parent, in the event a search is requested.

Whenever possible, a search will be conducted by the principal or his/her designee in the presence of the pupil, the pupil's parent or legal guardian or a representative of the parent or legal guardian, and a teaching staff member other than the principal.

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

School staff shall permit law enforcement authorities upon their arrival to assume responsibility for conducting any search or seizure upon presentation of: a search warrant; when the pupil consents; or under other lawful circumstances.

# POLICY - Continued

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The principal or his/her designee 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 reliability of the information; the persons present when the search was conducted; any substances or objects found; and the disposition made of them. The principal must safeguard and secure the substance or weapon until law enforcement officials take custody.

The Superintendent shall be notified of the search of a pupil's person or intimate personal belongings. The Superintendent or his/her designee will notify law enforcement whenever a controlled dangerous substance, firearm, or other weapon is seized.

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

Cross References: Policy Guides Nos. 5530, 9322

**ADOPTED:** February 15, 1999

**REVIEWED:** October 10, 2010