

## STUDENT PRIVACY AND SEARCHES

At certain ages, students referred by member districts for NWESD 189 cooperative program placement attain the right to decide for themselves what records will remain confidential, even from their parents/guardians, and what activities the student will participate in. At age eighteen (18) students become legal adults and must approve any disclosure of information about themselves from school records, except directory information, if a request for confidentiality has not been filed. Students at age eighteen (18) may also sign releases, authorizations or permission slips to participate in school activities, and may sign other school-related forms/notes. Students between sixteen (16) and eighteen (18) who have been granted legal emancipation from their parents/guardians have the same rights as eighteen (18) year old students. Students over fourteen (14) years of age have the right to keep private from everyone any NWESD 189 records indicating that they have been tested or treated for a sexually transmitted disease. Students thirteen (13) years and older have confidentiality rights in records regarding drug, alcohol or mental health treatment. All students have confidentiality rights in family planning or abortion records.

### **Searches of Students and Personal Property**

All students shall be free from unreasonable searches of their persons, clothing, and other personal property. However, a student is subject to search by program officials if reasonable grounds exist to suspect that the search will yield evidence of a student's violation of the law or school rules governing student conduct.

A search is required when there are reasonable grounds to suspect a student has a firearm on NWESD 189 program grounds, transportation or at program sponsored events.

Prior to conducting a search, program officials shall ask that the student consent to be searched by removing all items from pockets or other personal effects. If the student refuses to consent to the search, program officials may proceed to search the student, the student's personal belongings, and the student's locker, as follows:

- 1) Any search of a student conducted by a NWESD 189 employee must be reasonably related to the discovery of contraband or other evidence of a student's violation of the law or program rules.

For the purpose of this policy, "contraband" means items, materials, or substances the possession of which is prohibited by law or NWESD 189 policy, including but not limited to, controlled substances, or look-alikes, alcoholic beverages, tobacco products, or any object that can reasonably be considered a firearm or a dangerous weapon.

- 2) Staff shall conduct searches in a manner which is not excessively intrusive in light of the age and gender of the student and the nature of the suspected infraction.

No student shall be subject to a strip search or body cavity search by program staff. For the purpose of this policy, a strip search shall be defined as exposing any "private" portion of the body which would normally be covered by swimming attire or underclothing.

Program officials may consult with local law enforcement officials regarding the advisability of a search on program premises by a law enforcement officer if evidence of criminal activity is likely to be seized.

The Special Programs Director shall develop procedures regulating searches of students and their personal property.

### **Locker Searches**

Students may be assigned lockers for storing and securing their books, program supplies, and personal effects. Lockers, desks, and storage areas are the property of the NWESD 189. No right nor expectation of privacy exists for any student as to the use of any locker issued or assigned to a student by the program.

No student may use a locker, desk, or storage area as a depository for any substance or object which is prohibited by law or program rules or which poses a threat to the health, safety, or welfare of the occupants of the program building or the building itself.

Any student's locker, desk, or other storage area shall be subject to search if reasonable grounds exist to suspect that the search will yield evidence of the student's violation of the law or program rules. Any search of an individual student's locker shall be conducted according to NWESD 189 policy governing personal searches.

All student lockers may be searched at any time without prior notice and without reasonable suspicion that the search will yield evidence of any particular student's violation of the law or program rules. If the program official conducting such a search develops a reasonable suspicion that any container inside the locker, including but not limited to a purse, backpack, gym bag, or an article of clothing, contains evidence of a student's violation of the law or program rules, the container may be searched according to NWESD 189 policy governing personal searches.

The Special Programs Director shall establish procedures for conducting searches of lockers, desks, or storage areas.

First Reading:	02/26/92 (as 6450)	Legal References
Second Reading:	03/25/92 (as 6450)	RCW 13.64.060
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