

Policy

Board of Education Nutley

PUPILS

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 reasonable suspicion 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 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 a reasonable suspicion 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. A strip search shall not be conducted under this policy.

Whenever possible a search of a pupil or a pupil's private possessions 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.

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. 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 related storage areas may be conducted. The school principal or his designee is 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 for the search of a pupil or a pupil's private possessions will be directed to the building principal. The principal shall be responsible for the prompt recording in writing of each pupil search, including the

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reasons for the search; information received that established the need for the search; the persons present when the search was conducted; any substances or objects found; and, the disposition made of all confiscated substances or items. The principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a pupil.

References: N.J.S.A. 2A:4A-60; 2C:58-6.1; 2C:64-1; 18A:36-19:2

Date Adopted: 11/24/86

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