

Melrose Public Schools
Student/Parent Handbook

Student Search and Seizure Policy

The Fourth Amendment of the United States Constitution protects students from unreasonable searches and seizures by public school officials and teachers. Where a student has a legitimate expectation of privacy, a search of the student's person or personal belongings brought onto school property, including a vehicle driven by a student, will be lawful if it meets two criteria:

1. School officials must have reasonable suspicion at the time of the search to believe that it will disclose evidence of a violation of a school rule or a violation of the law.

A determination as to whether reasonable suspicion exists necessarily requires the exercise of common sense and good judgment. The suspicion that will justify a student search must be more than a generalized suspicion, unsubstantiated rumor or hunch; it must be based on the observation or credible report of specific behavior or physical evidence that reasonably would lead someone to believe that a particular student has violated or is violating a school rule or the law.

2. The scope of the search must be reasonable in relation to the intrusion upon the student's privacy. In other words, there must be a reasonable likelihood that the contraband being sought will be found in the area or object being searched. Additionally, the search must not be excessively intrusive in light of the age and gender of the student and the nature of the suspected infraction.

When reasonable suspicion exists, the Principal or his/her designee may authorize the search of a student or the student's property. If a search is conducted by the Principal, another administrator should be present during the search. If an individual other than the Principal conducts the search, the Principal should be present. Ordinarily, the search of a student should be conducted by an individual of the same gender as the student.

If a Principal believes that a student may possess a dangerous weapon or object or otherwise has reason to believe that the search may jeopardize his/her safety, the Principal should notify the School Resource Officer or the Melrose Police Department to arrange for an officer to be present and, if appropriate, to conduct the physical search. Except in circumstances where a police officer conducts a physical search at the request of a Principal or his/her designee to ensure the school administrators' safety, a police officer must obtain a valid search warrant, based on probable cause, before searching a student or his/her property.

Lockers, desks and other equipment provided by the Melrose Public Schools for the use and convenience of students while in school remain the property of the School Department. School officials retain the right to search student lockers, desks and equipment, as well as any personal effects found therein, based on reasonable suspicion to believe that they contain evidence of a violation of a school rule or the law. A search of property assigned to a student will be conducted, when practicable, in the presence of the student, and the student will be informed of the reason for the search at that time.

Students are not allowed to place in their lockers, desks or other equipment provided by the School Department any weapons, illegal drugs or drug-related paraphernalia, alcoholic beverages, stolen property or any other contraband or items of no reasonable use to students while at school. School officials also may conduct periodic inspections of lockers, desks and other equipment to ensure compliance with this rule.

In the event that any search yields evidence of a violation of law, such evidence will be seized by school authorities and turned over to the appropriate law enforcement officials. Items that may be used to disrupt or interfere with the educational process may be removed from the student's possession.