

APA Search and Seizure

APA recognizes that the privacy of students or his/her belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion.

- A. As used in this section, “reasonable cause for a search” means circumstances which would cause a reasonable person to believe that the search of a particular person, place, or thing will lead to the discovery of: 1. evidence of a violation of the student conduct standards contained in the student handbook; 2. anything which because of its presence presents an immediate danger of physical harm or illness to any person.
- B. All lockers and other storage areas provided for student use on school premises remain the property of the School Corporation and are provided for the use of the students; subject to inspection, access for maintenance, and search pursuant to this section. 1. Locker searches will be conducted in accordance to I.C. 20-33-8-32. 2. A teacher may search a desk or any other storage area on school premises other than a locker when the person conducting the search has reasonable cause for a search.
- C. The principal or another member of the staff designated by the principal and acting at the direction of the principal may search a student during a school activity if the principal has reasonable cause for a search of a student.

Searches of a student shall be limited to: 1. searches of the pockets of the students; 2. any object in the possession of the student such as a purse or briefcase; and/or 3. a “pat down” of the exterior of the student’s clothing. Searches of the person of a student which removal of clothing other than a coat, jacket, or outer sweater with clothing beneath shall be referred to a law enforcement officer in accordance with sub-section G of this section. These searches of the person of a student shall be conducted in a private room by a person of the same sex as the student being searched. At least one but not more than three additional persons of the same sex as the student being searched shall witness but not participate in the search. At the request of the student to be searched, an additional person of the same sex as the student designated by the student, and then reasonably available on school premises shall witness the search.

- D. The privilege of bringing a student-operated motor vehicle onto school premises is hereby conditioned on written consent by the student driver, the owner of the motor vehicle and the parent or guardian of the student to allow search of that motor vehicle when there is reasonable cause for a search of that motor vehicle. Refusal by a student, parent or guardian, or the motor vehicle owner to provide or allow access to a motor vehicle on school premises at the time of a request to search the motor vehicle, shall be cause for termination without further hearing of the privilege of bringing a motor vehicle onto school premises. The principal or a member of the staff designated in writing by the principal may request a law enforcement officer to search a motor vehicle on school premises, subject to subsection G of this section.
- E. Anything found in the course of a search conducted in accordance with this section which is evidence of a violation of the student conduct standards in the student handbook may be: 1. seized and admitted as evidence in any suspension or expulsion proceedings if it is tagged for identification at the time it is seized and kept in a secure place by the principal the principal’s designee until it is presented at the hearing; 2. returned to the parent or guardian of the student from whom it was seized; 3. destroyed if it has no significant value; or, 4. turned over to any law enforcement officer in accordance with sub-section G.
- F. Anything found in the course of a search conducted in accordance with this section which by its presence presents an immediate danger of physical harm or illness to any person may be seized and: 1. returned to the parent or guardian of the student from whom it was seized. 2. destroyed; or 3. turned over to any law enforcement officer in accordance with sub-section G.
- G. The principal, or a member of the staff designated in writing by the principal, may request the assistance of a law enforcement officer to: 1. search any area of the school premises, any student, or any motor vehicle on school premises; 2. identify or dispose of anything found in the course of a search conducted in accordance with its section. Where law enforcement officers respond to such a request, no school employee shall assist or otherwise participate in any search conducted.