

THIS FORM ACKNOWLEDGES YOU UNDERSTAND YOUR RIGHTS REGARDING SCHOOL SEARCHES
SECTION 59-63-1110 CONSENT TO SEARCH PERSON OR HIS/HER EFFECTS.

Any person entering the premises of any school in this state shall be deemed to have consented to a reasonable search of his/her person and effects. (HISTORY: 1994 Act No. 373, Section 1.)

**Notwithstanding any student entering the premises of any school in this state shall be deemed to have consented to a metal detector search of his/her person and effects while on premises.*

SECTION 59-63-1120 SEARCHES BY SCHOOL ADMINISTRATORS, OFFICIALS WITH OR WITHOUT PROBABLE CAUSE.

Notwithstanding any other provision of law, school administrators and officials may conduct reasonable searches on school property of lockers, desks, vehicles, and personal belongings such as purses, bookbags, wallets, and satchels with or without probable cause. (HISTORY: 1994 Act No. 373, Section 2.)

SECTION 59-63-1130 SEARCH BY PRINCIPALS OR THEIR DESIGNEES

Notwithstanding any other provision of law, school principals or their designees may conduct reasonable searches of the person and property of visitors on school premises. (HISTORY: 1994 Act No. 373, Section 3.)

SECTION 59-63-1140 STRIP SEARCHES ARE PROHIBITED

No school administrator or official may conduct a strip search. (HISTORY: 1994 Act No. 373, Section 4.)

SECTION 59-63-1150 COMPLIANCE WITH CASE LAW; TRAINING OF SCHOOL ADMINISTRATORS

Notwithstanding any other provision of this article, all searches conducted pursuant to this article must comply fully with the "reasonableness standard" set forth in *New Jersey v. T.L.O.*, 469 U.S. 328 (1985). All school administrators must receive training in the "reasonableness standard" under existing case law and in district procedures established to be followed in conducting searches of persons entering the school premises and of the students attending the school. (HISTORY: 1994 Act No. 373, Section 5.)

SECTION 59-63-1160. POSTING OF NOTICE; COST OF NOTICE TO BE PAID BY STATE; EFFECT OF FAILURE TO POST NOTICE.

Notice must be conspicuously posted on school property informing the provisions of this article.

The notice must be posted at least at all regular entrances and any other access point to the school grounds.

The costs of posting the notice required by this section must be paid by the State. No school or school district shall be required to incur any financial obligation for complying with the notice requirements contained in this section. The failure to post the notice provided in this section shall not constitute a defense to any civil action or criminal prosecution and shall not constitute grounds for any legal liability. (HISTORY: 1994 Act No. 373, Section 6.)

Effective Date: May 3, 1994

Summary: This act allows school administrators and officials to conduct reasonable searches of the persons and effects of anyone entering a school in this state. All searches must comply with a defined "reasonableness standard" as set forth in *New Jersey v T.L.O.* School administrators must receive training in these procedures and guidelines.

The district must post notices on school property detailing the provisions of this act. The state will pay for the notices.

What is "Reasonable"? The act makes specific reference to *New Jersey v T.L.O.* In that case, the United States Supreme Court held that public school officials do not need search warrants or probable cause before searching students under their authority.

The "reasonableness standard" as defined in *T.L.O.* is the existence of a reasonable suspicion. Reasonable suspicion requires only "sufficient probability" – facts and certainty must back this up. In the absence of warrants and probable cause (a stricter standard used for police searches), a student search must be both justified at its inception and reasonable in scope.

I UNDERSTAND MY RIGHTS AS THEY ARE STATED ABOVE.

Student Signature: _____ Date: _____

Parent Signature: _____ Date: _____

**This notice must be returned to the office and a copy will be given to parents upon request.