

445 STUDENT INTERVIEWS AND SEARCHES

School personnel may conduct reasonable in-school interviews and searches of students within restraints. Non-consensual warrant-less interviews and search of students are based on the following premises:

- Education is an important state function and requires an atmosphere that is free from danger and disruption.
- School officials are, in the eyes of the students, put in a position of authority similar to a parent and can reasonably be expected to demand a certain amount of restraint for security and disciplinary reasons.
- Faced with school authority in a setting requiring control of student behavior, students cannot reasonably expect to have the same amount of privacy as will be granted outside of school.
- The realities of the classroom present few less obtrusive alternatives to an immediate search for suspected dangerous or illegal articles or substances.

The following criteria and standards shall be used in the determination of reasonable warrant-less interviews and searches of students by school officials:

- The child's age, history, and school record.
- The prevalence and seriousness of the problem in the school to which the interview or search is directed.
- The reason or need requiring the interview or search without delay.
- The probative value and reliability of the information used as a justification for the interview or search.
- The school official's prior experience with the student.

A reasonable basis to believe that an immediate interview or search is necessary shall be determined. Such basis must be related to the removal of a dangerous or illegal item or substance and be derived from reliable information or personal observation indicating that a student violates school safety rules or the law.

Whenever possible, the principal shall conduct student interviews or searches. The parent/guardian shall be notified of any student interview or search.

Strip Search

No official, employee, or agent of any school or the District may conduct a strip search, as defined by law, of any student.

In situations where it appears necessary that a student search be conducted immediately, the police shall be contacted. Police officers acting at the request of the School District may also act following the “reasonableness” standard and may not necessarily need to obtain a search warrant.

LEGAL REFERENCE: Wisconsin Statutes, Sections 118.257, 118.32, 118.325, 120.13(1)

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