

# Searches in School

## What are your rights?

**The Fourth Amendment of the United States Constitution gives people the right to be free from unreasonable searches by the government.**

**This includes searches of your self, your home and your personal property.**

Public school systems are run by the government. Under the Fourth Amendment, school officials (such as principals, teachers, guidance counselors, cafeteria workers, social workers) may not conduct unreasonable searches of students or their belongings.

- **A school official can conduct a search only if there is reasonable suspicion that evidence will be found to show that you have broken a law or school rule.**

School officials may not search you unless they believe that you in particular (not just "someone") broke a law or school rule. For example, if a teacher thinks she saw you dealing drugs, she can ask you to empty your pockets. However, if she thinks that some students in school are selling, but does not know who, she cannot search all of the students.

- **A school official can search only if s/he has reasonable suspicion that searching you will turn up evidence that you have broken a law or school rule.**

**Examples of reasonable suspicion:**

- Cigarette smoke coming from the bathroom while the student is there
- Alcohol on a student's breath
- Gunshots coming from an area near the student

- **Does a school official need a warrant to search my desk, clothes or locker?**

No. A school official does not need a warrant. S/he only needs reasonable suspicion.

- **Is a school security guard conducting a search more like a school official or a police officer?**

A school security guard is more like a police officer. S/he needs probable cause to search a student's belongings. This means that a security guard must have more than suspicion before searching.

- **Does a witness need to be present when a search is conducted?**

The Constitution does not provide a right to have a witness present during a search, but some school systems have policies that require a witness. To find out what the policy is in your school, check the student handbook.

**If you have questions about your rights, or if you need legal help, please contact us.**

**What should I do if a school official wants to search me?**

It is always best to cooperate with school officials, but the search must be done in a reasonable way, based on your age and what they are looking for. If you feel that you have been illegally searched, tell your parents or contact a lawyer right away.

**Center for Children's Advocacy  
Teen Legal Advocacy Clinic  
860-570-5327  
We can help.**