

PROPOSED REVISION



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STUDENTS

Searches of Students and Student Privacy

~~At certain ages, students attain the right to decide for themselves what records will remain confidential, even from their parents, and what activities the student will participate in. At age eighteen (18) students become legal adults and must approve any disclosure of information about themselves from school records, except directory information if a request for confidentiality has not been filed. Students at age eighteen (18) may also sign releases, authorizations or permission slips to participate in school activities, and may sign themselves out of school and authorize their own absences. Students between sixteen (16) and eighteen (18) who have been granted legal emancipation from their parents or guardians have the same rights as eighteen-year-old students. Students over fourteen (14) years of age have the right to keep private from everyone any district records indicating that they have been tested or treated for a sexually transmitted disease. Students thirteen (13) years and older have confidentiality rights in records regarding drug, alcohol or mental health treatment. All students have confidentiality rights in family planning or abortion records.~~

Searches of Students and Personal Property

Personal privacy is a fundamental aspect of individual liberty. All students possess the constitutional right to be secure in their persons, papers, and effects against unreasonable searches and seizures. Staff shall take particular care to respect students' privacy. ~~However, no right or expectation of privacy exists for any student as to the use of any locker or space issued or assigned to a student by the school district and the locker or space shall be subject to search in accordance with board policy.~~

~~The board is committed to protecting the health and welfare of all students, maintaining the security of the schools, and promoting the effective operation of the schools.~~

School officials have authority to maintain order and discipline in the schools and to protect students from exposure to illegal drugs, weapons, and contraband. The superintendent, the principal, and other staff designated by the superintendent ~~shall~~ have the authority to conduct reasonable searches on school property in accordance with the law as provided by board policy.

Any authorized school official will conduct searches according to [Policy 3231](#) and [Procedure 3231P](#) and [Policy 3232](#) and [Procedure 3232P](#).

Student Privacy

State law provides that at certain ages, students attain the right to decide for themselves what records will remain confidential, even from their parents, and what activities the student will participate in. At age eighteen (18) students become legal adults and must approve any disclosure of information about themselves from school records ([Procedure 3600P](#)), except directory information if a request for confidentiality has not been filed.

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Students at age eighteen (18) may also sign releases, authorizations, or permission slips to participate in school activities, and may sign themselves out of school and authorize their own absences.

Students between sixteen (16) and eighteen (18) who have been granted legal emancipation from their parents or guardians have the same rights as eighteen-year-old students.

Students over fourteen (14) years of age have confidentiality rights in records indicating that they have been tested or treated for a sexually transmitted disease. Students thirteen (13) years and older have confidentiality rights in records regarding drug, alcohol, or mental health treatment.

All students have confidentiality rights in family planning or abortion records.

Cross references:

Board Policy 3122	Attendance
Board Policy 3231	Searches of Students and Their Property
Board Policy 3232	Searches of Lockers, Desks, and Storage Areas
Board Policy 3246	Personal Electronic Devices
Board Policy 3414	Infectious Diseases
Board Policy 3600	Student Records

Legal references:

RCW 9.02.100	Reproductive privacy—Public policy
RCW 13.64.060	Power and capacity of emancipated minor
RCW 28A.320.040	Bylaws for board and school government
RCW 28A.600.020	Exclusion of student from classroom—Written disciplinary procedures—Long-term suspension or expulsion
RCW 28A.600.210	School locker searches—Findings
RCW 28A.600.220	School locker searches—No expectation of privacy
RCW 28A.600.230	School locker searches—Authorization—Limitations
RCW 28A.600.240	School locker searches—Notice and reasonable suspicion requirements
RCW 70.02.220	Sexually transmitted diseases—
	Permitted and mandatory disclosures
RCW 70.02.240	Mental health services—Minors—
	Permitted disclosures

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<u>RCW 70.02.265</u>	Adolescent behavioral health services—Disclosure of treatment information and records—Restrictions and requirements—Immunity from liability
<u>Chapter 392-400 WAC</u>	Student Discipline
<u>34 CFR 99.5</u>	What are the rights of students?
<u>42 CFR 2.14</u>	Minor patients

Adopted: March 20, 1995
Revised: September 8, 1997
Revised: February 8, 1999
Updated: August 1999
Updated: March 2001
Updated: September 2006
Updated: January 2007
Updated: December 2011
Updated: March 2017
Updated: February 2018
Updated: January 2020
PROPOSED: January 2022