

PERSONNEL/EMPLOYEE RIGHTS AND RESPONSIBILITIES

Searches of Employee Personal Property and District Owned/Provided Property

Rapid City School District administrators are authorized to make searches of employees' personal property and vehicles on District premises and District owned/provided property under the conditions outlined below.

"District owned/provided property" includes, but is not limited to, real estate, buildings, parking lots, offices, desks, instruments, storage containers, storage areas, lockers, computer systems and equipment, voicemail, electronic devices and vehicles. This property is intended for use for education purposes and District business only.

Employees shall have no expectation of privacy or confidentiality when using District owned/provided property.

"Reasonable suspicion" means a determination based on objective facts and inferences drawn from those facts as well as personal observations that suggest there has been a violation of District policy or state or federal law related to public schools (e.g. prohibition against bringing weapons on public school property).

Employee Personal Property Searches

When a District administrator has reasonable suspicion to believe that an employee is in possession of items that are, or may contain items that are, unauthorized according to District policy or state or federal law related to public schools (e.g. prohibition against bringing weapons on public school property), the administrator may take possession of and hold an employee's personal property (e.g. purse, wallet, book bag, cell phone, electronic devices) brought onto District premises, for processing by the appropriate entity. In emergency situations an administrator may take possession of and hold an employee's personal property without the employee's knowledge.

Any search, and the extent of any search, of the employee's personal property shall be determined and conducted by law enforcement unless written authorization, witnessed by another adult, for the District to perform a search is provided by the employee prior to the search. Any unauthorized search by the District will be conducted in the presence of another adult witness. For any District search of employee personal property, the employee has the right to Association representation.

District Owned/Provided Property Inspections and Searches

District owned/provided property is temporarily assigned to employees and remains the property of the District at all times. Employees are expected to assume full responsibility

for the security of District owned/provided property. Employees have no expectation of privacy or confidentiality when using District owned/provided property.

Maintenance Inspections – The District has a reasonable and valid interest in ensuring District owned/property provided to employees is properly maintained. For this reason, periodic inspection of District owned/provided property is permissible. An employee may request an inspection or the District may conduct a maintenance inspection at any time without notice and without the employee’s consent.

Any items discovered during such inspections that are or may contain items in violation of District policy or state or federal law related to public schools (e.g. prohibition against bringing weapons on public school property) will be confiscated by administrators.

Non-maintenance searches – District owned/provided property and its contents may be searched by a District administrator when a reasonable suspicion exists that the property contains items that are or may contain items that are unauthorized according to District policy or state or federal law related to public schools (e.g. prohibition against bringing weapons on public school property). Whenever possible the employee shall be informed of the search of District owned/provided property. The employee has the right to Association representation. However, emergency situations may necessitate a search with or without the employee’s knowledge or representation. Searches should be conducted in the presence of another adult witness.

Vehicle Searches

Employees are permitted to park on District premises as a matter of privilege, not a right. The District retains authority to conduct routine patrols of parking lots and inspections of the exterior of vehicles parked on those lots. The interior of an employee’s vehicle on District premises may be searched by a District administrator if administration has reasonable suspicion to believe items that are unauthorized according to District policy or state or federal law related to public schools (e.g. prohibition against bringing weapons on public school property) are contained inside. Whenever possible, the employee shall be informed of the search. The employee has the right to Association representation. However, emergency situations may necessitate a search with or without the employee’s knowledge or representation. All searches shall be conducted in the presence of another adult witness.

Law Enforcement Involvement

Any search and/or seizure by law enforcement officials will occur only when law enforcement officials properly advise District administration and provide documentation of the lawful authority to conduct the search and/or seizure.

Adopted 06/27/16

Legal References:

SDCL 13-5-1 – School Districts defined – General Corporate and Proprietary Powers

SDCL 13-8-39 – Management of Schools – General Powers