



# SENATE BILL 90: Searches of Student's Person.

This Bill Analysis reflects the contents of the bill as it was presented in committee.

2023-2024 General Assembly

<b>Committee:</b>	Senate Education/Higher Education. If favorable, re-refer to Judiciary. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	March 15, 2023
<b>Introduced by:</b>	Sens. Lazzara, Galey, Sawyer	<b>Prepared by:</b>	Samantha Yarborough Committee Counsel
<b>Analysis of:</b>	First Edition		

**OVERVIEW:** Senate Bill 90 would require public school units to adopt a policy on school officials searching students that is consistent with State and federal law and requires that searches are conducted by one school official and one adult witness who are the same sex as the student being searched.

**CURRENT LAW:** Article 27 of Chapter 115C of the General Statutes establishes requirements regarding student discipline for public school units. G.S. 115C-390.2 requires the governing bodies of public school units to adopt policies governing the conduct of students and establishing discipline procedures that are consistent with federal and State law.

**BILL ANALYSIS:** Senate Bill 90 would require public school units to adopt a policy on school officials searching students that requires the following:

- School administrators must have a reasonable suspicion to authorize the search.
- Searches must be conducted in a manner that is narrowly tailored and minimally invasive.
- Cavity searches and searches requiring a student to completely disrobe are prohibited.
- Searches must be conducted in private by one school official and one adult witness who are the same sex as the student.

**EFFECTIVE DATE:** Senate Bill 90 would be effective when it becomes law and apply beginning with the 2023-2024 school year.

**BACKGROUND:** The US Supreme Court has held that the Fourth Amendment prohibition on unreasonable searches and seizures applies to searches conducted by public school officials and developed a two-pronged reasonableness test to determine the legality of the search. *New Jersey v. T.L.O.*, 469 U.S. 325 (1985). For a search of a student by a school official to be legal, *T.L.O.* requires that searches be (i) justified at the inception (based on reasonable suspicion that the search will turn up evidence of a violation of a law or school rule) and (ii) permissible in scope (reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction).

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