



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

2023-2024 General Assembly

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<b>Committee:</b>	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	<b>Date:</b>	March 21, 2023
<b>Introduced by:</b>	Sens. Lazzara, Galey, Sawyer	<b>Prepared by:</b>	Robert Ryan
<b>Analysis of:</b>	Second Edition		Anna Parsons* Staff Attorney

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**OVERVIEW:** *Senate Bill 90 would require the governing bodies of public school units to adopt a policy requiring that searches of students be conducted in private 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 policies governing searches of students to be consistent with the provisions of Article 27 of Chapter 115C and the constitutions, statutes, and regulations of the United States and the State. It would require that all searches performed by school officials be executed using narrowly tailored methods that are as minimally intrusive as possible.

In its policies, each governing body would be required to include a policy that all searches of students be conducted in private by one school official and one adult witness who are the same sex as the student being searched.

**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).

*\*Samantha Yarborough, Legislative Analysis Division, substantially contributed to this summary.*

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