

Student privacy, rights, questioned at Sauk Prairie School Board meeting

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A Sauk Prairie School District policy aimed at defining expectations for students with regard to personal communication devices is too vague and could be in violation of the Fourth Amendment, according to one local resident.

Mark Frey, who attended the School Board's Policies and Instruction Committee meeting June 25, held prior to the school board, told administrators and board members at the school board meeting the policy's language was overbroad and suggested the district review the policy with its legal counsel.

The policy restricts the use of technology such as cell phones and other personal devices in areas such as locker rooms and restrooms; places that people would have a "reasonable expectation" of privacy. Frey said while he believed the intention of that part of the policy was well-developed, he questioned other language stating "Students shall have no expectation of confidentiality with respect to their use of PCDs on school property."

"I think sometimes (district policies) are overbroad," Frey said. "Barring exigent circumstances I think it is potentially a Fourth Amendment conversation," Frey said. "Even though it came out of committee, I think when we get these old policies there should be a conversation with legal on how that particular one relates to the Fourth Amendment. And again, there's always an exigent circumstance, but this to me is a little overbroad."

In a later interview, Dan Johnson, technology coordinator for the district, said the policy Frey was referring to also states any search will be conducted in accordance with other related policies pertaining to search and seizure, and how reasonable suspicion is defined.

District policy 5751 talks about reasonable suspicion for a search, stating it means "grounds sufficient to cause an adult of normal intellect to believe that the search of a particular person, place, or thing will lead to the discovery of evidence that the student:

- A. has violated or is violating a rule or behavioral norm contained in the student handbook;
- B. has violated or is violating a particular law;
- C. possesses an item or substance which presents an immediate danger of physical harm or illness to students and staff or District property."

What isn't clear is whether district staff have identified having the right to view things such as photos, texts, and emails beyond the scope of a specific incident, such as private and/or personal information unrelated to the reported violation.

However, policy 5751 goes on to say the board acknowledges a student's privacy or belongings may not be violated by unreasonable search and seizure and directs no student be searched without reasonable suspicion that a violation has occurred, and states "The extent of the search will be governed by the seriousness of the suspected infraction, the student's age and gender, the student's disciplinary history, and any other relevant circumstances or information."

The policy is expected to go before the board at its next meeting, scheduled for July 9.