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BILL ANALYSIS

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House Bill 5233 (as passed by the House)
Sponsor: Representative Lauren Hager
House Committee: Education
Senate Committee: Education

Date Completed: 3-15-00

CONTENT

The bill would amend the Revised School Code to specify that a pupil who used a locker that was the property of a school district, local act school district, intermediate school district (ISD), or public school academy would be presumed to have no expectation of privacy in that locker or its contents. The bill also would require a school board to adopt a policy on school locker searches and would require the State Superintendent to develop and make available a policy on locker searches that could be adopted by a school board. In addition, the bill would permit a principal to search a pupil's locker and its contents, and would permit a law enforcement agency to assist in the search upon a principal's request.

Policy on Searches

If the board of a school district, local act school district, or ISD, or the board of directors of a public school academy operated a school that had pupil lockers, then not more than 180 days after the bill took effect the board or board of directors would have to adopt a policy on searches of pupils' lockers and locker contents. The policy would have to provide that, in the course of a search conducted pursuant to the policy, a pupil's privacy rights would have to be respected regarding any items that were not illegal or against school policy. The board or board of directors would have to provide a copy of the policy to each pupil at a school that had lockers and to the parent or legal guardian of each of those pupils. The board or board of directors also would have to provide a copy of the policy to the Department of Education upon the Department's request.

Within 90 days after the bill's effective date, the Superintendent of Public Instruction would have to develop and make available a model policy on searches of pupils' lockers and locker contents that could be adopted for the bill's purposes.

Locker Search

A public school principal or his or her designee could search a pupil's lockers and its contents at any time in accordance with the policy under the bill.

A law enforcement agency having jurisdiction over the school could assist school personnel in conducting a search of a pupil's locker and its contents if that assistance were at the request of the school principal or his or her designee and the search were conducted in accordance with the policy under the bill.

Proposed MCL 380.1306

Legislative Analyst: L. Arasim

FISCAL IMPACT

There could be minimal costs to the Department of Education incurred during the development and dissemination of a model locker search policy by the State Superintendent.

There could be minimal costs to districts in the formulation of locker search policies, and the subsequent

act of providing copies of these policies to students and parents.

Fiscal Analyst: K. Summers-Coty