

HOUSE BILL NO. 5233

(As amended February 3, 2000)

A bill to amend 1976 PA 451, entitled
"The revised school code,"
(MCL 380.1 to 380.1852) by adding section 1306.

THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1 SEC. 1306. (1) A PUPIL WHO USES A LOCKER THAT IS THE PROP-
2 ERTY OF A SCHOOL DISTRICT, LOCAL ACT SCHOOL DISTRICT, INTERMEDI-
3 ATE SCHOOL DISTRICT, OR PUBLIC SCHOOL ACADEMY IS PRESUMED TO HAVE
4 NO EXPECTATION OF PRIVACY IN THAT LOCKER OR THAT LOCKER'S
5 CONTENTS.
6 (2) IF THE BOARD OF A SCHOOL DISTRICT, LOCAL ACT SCHOOL DIS-
7 TRICT, OR INTERMEDIATE SCHOOL DISTRICT OR BOARD OF DIRECTORS OF A
8 PUBLIC SCHOOL ACADEMY OPERATES A SCHOOL THAT HAS PUPIL LOCKERS,
9 THEN NOT LATER THAN 180 DAYS AFTER THE EFFECTIVE DATE OF THIS
10 SECTION THE BOARD OR BOARD OF DIRECTORS SHALL ADOPT A POLICY ON
11 SEARCHES OF PUPILS' LOCKERS AND LOCKER CONTENTS. [THIS POLICY SHALL
 PROVIDE THAT, IN THE COURSE OF A SEARCH CONDUCTED PURSUANT TO THE
 POLICY, THE PRIVACY RIGHTS OF THE PUPIL SHALL BE RESPECTED REGARDING
 ANY ITEMS THAT ARE NOT ILLEGAL OR AGAINST SCHOOL POLICY.] THE BOARD
 OR

HB 5233, As Passed Senate, March 28, 2000

House Bill No. 5233 as amended by the House February 3, 2000
as amended by the Senate March 23, 2000

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1 BOARD OF DIRECTORS SHALL PROVIDE A COPY OF THIS POLICY TO EACH
2 PUPIL AT A SCHOOL THAT HAS LOCKERS AND TO THE PARENT OR LEGAL
3 GUARDIAN OF EACH OF THOSE PUPILS. [THE BOARD OR BOARD OF DIRECTORS
SHALL ALSO PROVIDE A COPY OF THE POLICY TO THE DEPARTMENT UPON
REQUEST BY THE DEPARTMENT.]

4 (3) A PUBLIC SCHOOL PRINCIPAL OR HIS OR HER DESIGNEE MAY
5 SEARCH A PUPIL'S LOCKER AND THE LOCKER'S CONTENTS AT ANY TIME IN
6 ACCORDANCE WITH THE POLICY UNDER SUBSECTION (2).

7 (4) A LAW ENFORCEMENT AGENCY HAVING JURISDICTION OVER THE
8 SCHOOL MAY ASSIST SCHOOL PERSONNEL IN CONDUCTING A SEARCH OF A
9 PUPIL'S LOCKER AND THE LOCKER'S CONTENTS IF THAT ASSISTANCE IS AT
10 THE REQUEST OF THE SCHOOL PRINCIPAL OR HIS OR HER DESIGNEE AND
11 THE SEARCH IS CONDUCTED IN ACCORDANCE WITH THE POLICY UNDER SUB-
12 SECTION (2).

13 (5) NOT LATER THAN 90 DAYS AFTER THE EFFECTIVE DATE OF THIS
14 SECTION, THE SUPERINTENDENT OF PUBLIC INSTRUCTION SHALL DEVELOP
15 AND MAKE AVAILABLE A MODEL POLICY ON SEARCHES OF PUPILS' LOCKERS
16 AND LOCKER CONTENTS THAT MAY BE ADOPTED FOR THE PURPOSES OF THIS
17 SECTION.

(6) ANY EVIDENCE OBTAINED AS A RESULT OF A SEARCH OF A PUPIL'S
LOCKER OR LOCKER'S CONTENTS SHALL NOT BE INADMISSIBLE IN ANY COURT
OR ADMINISTRATIVE PROCEEDINGS BECAUSE THE SEARCH VIOLATED THIS
SECTION, VIOLATED THE POLICY UNDER SUBSECTION (2), OR BECAUSE NO
POLICY WAS ADOPTED.