

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2023

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SENATE BILL 90

Short Title: Searches of Student's Person. (Public)

Sponsors: Senators Lazzara, Galey, and Sawyer (Primary Sponsors).

Referred to: Rules and Operations of the Senate

February 13, 2023

A BILL TO BE ENTITLED
AN ACT TO STANDARDIZE THE PROCEDURES FOR SEARCHING STUDENTS IN
PUBLIC SCHOOL UNITS.

The General Assembly of North Carolina enacts:

SECTION 1. Article 27 of Chapter 115C of the General Statutes is amended by adding a new section to read:

"§ 115C-391.2. Searches of students.

(a) A school administrator in a public school unit may authorize the search of a student's person if the administrator has a reasonable suspicion that the student has violated or is violating a school rule or policy that has been lawfully adopted under G.S. 115C-390.2 or a State or federal law. For purposes of this section, a reasonable suspicion is a suspicion which, in the administrator's professional opinion, is based on specific and articulable facts from a credible source.

(b) A school's policies and procedures for conducting a search under this section shall be consistent with the provisions of this Article and the constitutions, statutes, and regulations of the United States and the State of North Carolina.

(c) Searches authorized under this section shall be executed using methods that are narrowly tailored to be as minimally intrusive as possible while investigating the suspected activity. Cavity searches and searches that require a student to completely disrobe are prohibited.

(d) Searches authorized under this section shall be conducted in private by one school official and one adult witness, both of whom shall be the same sex as the student. The sex of the student shall be determined by the sex assigned at birth as reflected in the student's official record, unless the student's parent provides written notice to the school that a different designation is appropriate."

SECTION 2. This act is effective when it becomes law and applies beginning with the 2023-2024 school year.

