

1972 WL 25940 (S.C.A.G.)

Office of the Attorney General

State of South Carolina

January 3, 1972

*1 Mr. E. W. Clamp
Business Manager
Lexington County School District No. 5
Administrative Building
Ballentine, South Carolina

Dear Mr. Clamp:

You have requested this office to advise you as to whether principals or other administrators have the authority to open students' lockers without the permission of the student to check for cleanliness, library books, or illegal items such as drugs or dangerous weapons. The lockers you referred to, being school property and under the care and control of the respective schools, are subject to being open and inspected for the purposes which you enumerated. The school administrators being generally charged with the care and custody of the students under their control, are entitled to take reasonable measures to ensure the safety of their students. A reasonable measure would appear to include the inspection of students' lockers, with or without their consent.

In the case of [People v. Overton](#) 20 N.Y. 2d 360, 283 N.Y.S. 2d 22 (1967) the court held that the vice-principal was obligated to inspect students' lockers when he was advised of a police officers suspicion that illegal items were secreted in such lockers. It has additionally been held that the schools operating under the doctrine of loco parentis are required to take any reasonable action, including a search, if such is necessary for the care and custody of students under its control. [People v. Jackson](#) 319 N.Y.S. 2d 731 (1971).

Based upon these applicable cases, it appears that school principals and other administrators may open student lockers without the permission of the student to check for items of contraband without fear of violating any law of the State.

I trust that this has been sufficient in answer to the question which you posed. If we may be of any further assistance, please do not hesitate to call or write.

Very truly yours,

Timothy G. Quinn
Assistant Attorney General

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