

Alabama State Department of Education Suggested Guidelines for the Search of Digital Devices Seized During the Administration of a Secure Test

Please note that these guidelines were created with the assumption that students (and preferably parents) have been notified (verbally and in writing when at all possible) that

- (1) the possession of a digital device is **strictly prohibited** during the administration of a secure test;
- (2) if the device is used during the administration of a secure test, the device will be confiscated and is subject to a search; and
- (3) if the device is used during the administration of a secure test, the student's test will automatically be invalidated.

School officials are encouraged to ensure that parents receive a copy of these guidelines prior to testing, and students are made aware of them as well.

The suggested guidelines are as follows:

1. Assuming that a student is observed in the possession of or use of a digital device during the administration of a secure test, the device will be confiscated by the Test Administrator. "Smart phones" should temporarily be turned off to help prevent any remote-access data-wipe.
2. The Test Administrator should deliver the device as soon as practicable to a school administrator.
3. A "chain of custody" list should be kept to record everyone who had possession of the device and when the device was transferred to someone else. The device should be stored by the school administrator in a secure location until the next step is taken.
4. For the purposes of determining whether a search of a digital device should take place, the school administrator should:
 - a. Learn the facts regarding the seizure of the device from the Test Administrator, and
 - b. Determine whether it is reasonable under all the circumstances to believe that the student could have been using the device to cheat or for some other unpermitted purpose.
5. If the school administrator determines that the student was merely in possession of the digital device, then it may be returned to the student in accordance with the school system's policy.
6. If the school administrator believes that it is reasonable to suspect that the student was using the device for an impermissible purpose, then he or she may search the device, limiting the search to only what is necessary to reasonably determine whether the student was cheating, copying secure test information, or violating a school rule. The school administrator should follow the local policy requirements regarding the search of student property.
7. If no wrongful activity is discovered on the device then it may be returned to the student in accordance with the school system's policy.
8. If wrongful activity is discovered on the device regarding the test at issue or if other wrongful activity is inadvertently discovered on the device, then the school administrator should secure the device in accordance with the school system's policy and notify the System Test Coordinator, school system attorney, or local superintendent as appropriate.
9. If wrongful activity is discovered on a digital device the device should be **immediately** turned off after the search to help prevent a potential remote-access data-wipe.
10. Any disciplinary actions should be taken in accordance with the school system's disciplinary policy.
11. Test irregularity reports should be completed in accordance with the Alabama State Department of Education's student assessment handbook.
12. In any situation involving the search and seizure of a student's property, a school administrator should consult with his/her supervisor in accordance with the school system's policy.

Revised May 18, 2011