Jim Thorpe Area School District

Book	Policy Manual
Section	200 Pupils
Title	Searches
Code	226
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Legal	1. PA Const. Art. I Sec. 8 2. 24 P.S. 510 3. 22 PA Code 12.14 4. U.S. Const. Amend. IV 5. Pol. 218.1 6. Pol. 223 7. Pol. 227 8. Pol. 805.1 Commonwealthv. Cass, 551 Pa. 25, 709 A.2d 350, 355-56 (1998) Inre F.B., 555 Pa. 661, 726 A.2d 361, 368 (1999) SaffordUnified School Dist. No. 1 v. Redding, 129 S.Ct. 2633 (U.S. 2009)
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Purpose

The Board acknowledges the need **to respect the rights of students to be free from unreasonable searches and seizures while fulfilling the district's interest in protecting and preserving the health, safety and welfare of the school population, enforcing rules of conduct, and maintaining an appropriate atmosphere conducive to learning**.

Authority

School officials have the authority to lawfully search students or their belongings, including lockers, automobiles, electronic devices, purses, backpacks, clothing, and other possessions, without a warrant, when in school, on school grounds or when otherwise under school supervision, if there is a reasonable suspicion that the place or thing to be searched contains prohibited contraband, material that **would** pose a **threat to the health,** safety and **welfare** of the school **population, or evidence that there has been a violation of the law, Board policy, or school rules. The scope and extent of searches**

must be reasonable in relation to the nature of the suspected evidence, contraband or dangerous material and to the grounds for suspecting that it may be found in the place or thing being searched.[1][2][3][4]

The district has a compelling interest in protecting and preserving the health, safety and welfare of the school population, which under certain circumstances may warrant general or random searches of students and their lockers, vehicles or other belongings without individualized suspicion, for the purpose of finding or preventing entry onto school property of controlled substances, weapons or other dangerous materials.[5][6][7]

Delegation of Responsibility

The Board authorizes the administration to conduct searches **of students or their belongings, including lockers, automobiles, electronic devices, purses, backpacks, clothing, and other possessions in accordance with the standards set forth in this policy**.

The Superintendent or designee, **in consultation with the district solicitor,** shall develop guidelines and procedures to implement this policy, **and shall ensure that school staff who are involved in carrying out searches or determining when searches will be conducted receive appropriate periodic training about such procedures and currently applicable legal standards**.[3]

Students, parents/guardians and staff shall be notified at least annually, or more often if deemed appropriate by administration, **about the standards and procedures in effect pursuant to** this policy.

Guidelines

Individualized Suspicion Searches

Students or their belongings, including lockers, **automobiles, electronic devices,** purses, backpacks, **clothing, and other possessions, may be searched without a warrant when in school, on school grounds or when otherwise under school supervision, if there is a** reasonable suspicion that **the place or thing to be searched contains prohibited** contraband, material **that would** pose a **threat** to the health, safety and welfare of **the** school **population, or evidence that there has been a** violation **of the law, Board** policy, **or school** rules. **The scope and extent of searches must be reasonable in relation to the nature of the suspected evidence, contraband or dangerous material and to the grounds for suspecting that it may be found in the place or thing being searched**.[3]

In determining whether reasonable suspicion **exists, the principal or designee always should be able to articulate what is being looked for, and why it is thought to be located in the particular place to be searched. The scope of a search should be limited to the place or places the item sought is believed to be**.

Examination by school staff of text messages, call logs, files, images or other data contained in a student's mobile telephone or other electronic device, without the student's consent, normally constitutes a search that must be justified by reasonable suspicion that material in violation of law, district policy or school rules, or evidence of such a violation, is contained in the particular files, directories or other data locations being examined in the device.

Random or General Searches Without Individualized Suspicion

Under certain circumstances, random or general searches of students and their belongings, including student lockers or vehicles parked on school property, may be conducted during the school day or upon entry into school buildings or school activities, in the absence of suspicion focused on a particular student or students, for the purpose of finding or preventing entry onto school property or activities of controlled substances, weapons or other dangerous materials. Such searches normally will be conducted in a minimally intrusive **manner using screening methods such as** dogs **or other animals trained to detect controlled substances, explosives or other harmful materials by smell, as well as** metal detectors **and other technology. When such screening methods provide a reasonable suspicion that particular students, items or places possess or contain controlled substances, weapons or other dangerous material, screening may be followed by physical searches of those particular students, items or places on an individualized basis**.

Random or general searches for weapons may be conducted when there are circumstances, information or events tending to indicate increased likelihood that students may be armed or headed for physical confrontation because of community strife or tensions, or as a continuation or escalation of a prior incident, in or out of school, which threatens to spill over into school, into a school-sponsored activity, or into other times and places that students are under school supervision.

Random or general searches for controlled substances may be conducted when there are circumstances, events or information tending to indicate significant drug use, possession or trafficking among students in school.

Random or general searches not based on individualized suspicion must be approved in advance by the Superintendent or designee, in consultation with the district solicitor. Coordination with law enforcement officials will be accomplished as provided in the memorandum of understanding with the applicable law enforcement agency.[8]

Searches Upon Consent

Searches may be conducted at any time, with or without reasonable suspicion, if the student has given knowing and voluntary consent specific to the place to be searched.

The administration may establish rules and procedures governing certain privileges enjoyed by students, such as the privilege of parking a vehicle on school grounds, that make the student's consent to random searches or inspections a condition of access to the privilege.[6]

Searches by or at the Request of Law Enforcement Officials

The legal standards governing searches initiated by school officials are less strict than the standards applicable to law enforcement authorities in many situations. When searches of students, student belongings, vehicles or lockers **are conducted by or at the request of law enforcement officials, with or without the involvement of school staff, the** law enforcement **officials are solely responsible for ensuring that a** warrant **has been issued or that the circumstances otherwise permit the search to be lawfully conducted in accordance with the standards applicable to law enforcement actions. School staff will not interfere with or obstruct searches initiated by law enforcement, but may assist when law enforcement officials have requested such assistance and have represented that a warrant has been issued or that they otherwise have proper authority for a lawful search**.[8]

Locker Inspections and Searches

Lockers are assigned to or otherwise made available to students as a convenience for the safe storage of books, clothing, school materials and limited personal property, and to facilitate movement between classes and activities and to and from school. Such lockers **are and shall remain the property of the school district, and to the extent students have** any expectation of privacy **of lockers at all, it is very limited**.

No student may place or keep in a locker any substance or object that is prohibited by law, Board policy or school rules, or that constitutes a threat to the health, safety or welfare of the occupants of the school building or the building itself. Students are required to ensure that their lockers do not contain spoiled food items or beverages, or soiled clothing which may attract pests, create odors or cause unhealthy conditions. A student locker may be opened and inspected for cleanliness, with or without the consent of the student, whenever there are odors, pests or other indications that a locker contains spoiled food, soiled clothing in need of laundering or similarly unhealthy matter.

Students are exclusively responsible for locking their assigned lockers to ensure the security of their personal belongings and school property entrusted to them. Students are permitted to secure their assigned lockers only with locks provided by the district, or if the district does not provide locks, personal combination locks for which the combination has been provided to designated school staff.

Prior to an individual locker search **or inspection,** the student **to whom the locker is assigned** shall be notified and **be** given **a reasonable** opportunity to be present. However, **when there is a** reasonable suspicion that **a** locker contains materials which pose a threat to the health, welfare or safety of the school **population, student lockers may be searched without prior notice to the student**.

The principal or **a designated staff person shall be present whenever a student locker is inspected for cleanliness or is searched. The principal or designee shall maintain written records of all occasions when a locker is searched or inspected. Such records shall include the reason(s) for the search, persons present, objects found and their disposition**.

Searches Involving Removal of Clothing or Examination Beneath Clothing

If the district has reason to believe that an item being searched for presents a sufficient level of danger to the school population, and the only means of securing said item is by a search involving the removal of clothing or examination beneath clothing, the Superintendent or designee shall terminate their search as described herein above, and immediately refer the matter to local law enforcement.[8]

Handling and Disposal of Items Found in the Course of Searches

Any items or material found **during a search or inspection, the student's possession of which is** in violation of law**, district** policies or school rules, **or otherwise is evidence of such a violation, may be** confiscated, **and may be used as evidence in student discipline proceedings or a criminal investigation, even if such items or material were not the original objective of the search or inspection**.

The principal shall be responsible **to ensure that confiscated items** or material **are properly inventoried and secured until the conclusion of disciplinary action, if any, and are then** properly disposed **of if not appropriate to be returned to the student. Items or materials that are evidence of a criminal offense, or that are not lawful for ordinary citizens to possess will be promptly turned over to proper** law enforcement **authorities for custody or disposal**.