



**SECTION: STUDENTS**

**POLICY: 226**

**TITLE: SEARCH AND SEIZURE**

**ORIGINAL:** September 8, 2003

**CURRENT REVISION:**

**LAST REVIEWED BY THE**

**COMMITTEE:** March 23, 2021

**I. PURPOSE**

- A. The Board acknowledges that students have the right to be secure in their person and property against unreasonable search and seizure. However, in order to maintain order and discipline in the schools, on school grounds, on buses, vans and vehicles owned, leased or controlled by the District and at all school sponsored activities, and to protect the safety and welfare of all students and school personnel, the Board acknowledges the need, when warranted, for school authorities to search a student, student's person, student lockers and desks, or student vehicles and to seize illegal, unauthorized or contraband material discovered in the search.
- B. Therefore, the Board adopts the following policy in order to balance institutional concerns with student rights governing personal searches, locker and desk searches, and student vehicle searches.

**II. DEFINITIONS**

None.

**III. POLICY**

- A. 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 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, or welfare of the school population, or evidence that there has been a violation of the law, Board policy, or school rules.
- B. 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 to be searched. Such materials may be used as evidence against the student in disciplinary proceedings. In certain circumstances, the student will be notified of an imminent locker or vehicle search and given an opportunity to be present.
- C. An administrator with a staff member present as a witness will conduct all searches.
- D. The Board establishes that students should keep their assigned lockers closed and locked against incursion by other students. No student may use a locker as a depository for a substance or object which is prohibited by law or District rules, or which constitutes a threat to the health, safety, or welfare of the occupants of the school building or the building itself.

#### E. Personal Searches of Students

- a. A school official is hereby authorized to conduct a search of a student's person in accordance with the following guidelines:
- b. On school property, on school conveyances, and at school sponsored activities, a search is permissible when a school official has reasonable suspicion, based on the totality of the circumstances, for suspecting that the search will reveal evidence that the student has violated either the law or rules of the school, or that the thing or place to be searched contains prohibited contraband or material that would pose a threat to the health, safety, or welfare of the school population.
- c. Reasonable suspicion must be based on individualized suspicion of wrongdoing. It goes beyond a hunch or supposition and it must be reasonable not only at its inception but also in its scope. The reasonable suspicion requirements for a search by a school official differs from the requirements for a search by a law enforcement officer who generally must have a search warrant and "probable cause" based on individualized suspicion.
- d. A student's person and/or personal effects (e.g., purse, book bag, personal device etc.) may be searched whenever a school official has reasonable suspicion to believe that the student is in possession of illegal or unauthorized materials. If a pat down search of a student's person is conducted, it will be conducted in private by a school official of the same sex and with a staff member present as a witness.
- e. 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, evidence of such a violation, or material that poses an imminent threat to the health, safety, or welfare of the school population is contained in the particular files, directories, or other data locations being examined in the device.
- f. Any illegal, unauthorized, contraband or other prohibited articles found because of searches of the student's person may be seized and used as evidence in disciplinary, juvenile or criminal proceedings.
- g. In the event a school official conducts a search of the student's person, a memorandum shall be prepared to the Superintendent as soon as practicable after the search occurs, outlining the reasonable suspicion for conducting the search, and describing the manner in which the search occurred, including all witnesses present, and the results of the search.
- h. When a student's person and/or personal effects are searched, the student's parent shall be notified as soon as practical after the conduct of the search.
- i. Searches involving the removal or examination beneath any clothing of a student, other than jackets, coats, or other outerwear, shall be conducted only by a staff person of the same gender as the student, with at least one (1) other staff person of the same gender present as a witness, and in a location assuring privacy from observation by persons not involved in the search or of the opposite sex. Searches involving the removal of undergarments or examination beneath undergarments will not be conducted.
- j. A search of a student's person or possessions conducted at the request of the law enforcement officials shall be permitted only where there is a clear and immediate threat

to the health, safety or welfare of other students or school employees, or upon a properly executed search warrant presented to school officials, or on the intelligently and voluntarily given consent of the student.

#### F. Desk and Locker Searches

- a. The Board reserves the right and authorizes its employees to inspect the student's desk and/or locker in accordance with law and Board policy for illegal, unauthorized or contraband materials, substances or objects, the possession of which is illegal, or any material which poses a hazard to the safety and good order of the schools.
- b. All student desks and lockers are and shall remain the property of the District, and to the extent that students have any expectation of privacy in their lockers or desks, that expectation is very limited. Students are encouraged to keep their assigned lockers or cabinets closed and locked against incursion by other students, but no student may use a locker or a student desk as a depository for a substance or object which is illegal, unauthorized or otherwise prohibited or which constitutes a threat to the health, safety or welfare of the occupants of the school building.
- c. When a student's desk or locker is searched for reasonable suspicion, the student shall be notified and given an opportunity to be present. However, where there is reason to suspect that a desk or locker contains materials, which pose a threat to the health, safety, or welfare of students or staff, the desk and/or locker may be searched without prior notice or presence of the student.
- d. Any illegal, unauthorized, contraband or other prohibited articles found in student desks or lockers may be seized and used for evidence in disciplinary, juvenile or criminal proceedings.
- e. When a student's desk or locker is searched for reasonable suspicion, the student's parents shall be notified as soon as practicable after the conduct of the search.
- f. The building principal or designee shall make a written record of each search, including the reason(s) for the search, persons present, objects found, and disposition of any objects removed from the locker.
- g. Searches of students' desks and/or lockers may be conducted by law enforcement officials where there is a clear and immediate threat to the health, safety or welfare of other students or school employees or where a properly executed search warrant is presented to school officials, or on the intelligently and voluntarily given consent of the student.

#### G. Student Vehicles

- a. Students are permitted to park their vehicles on school premises as a matter of privilege, not of right. The school retains the authority to conduct routine patrols of student parking lots and inspections of student vehicles on school property.
- b. The interiors of student vehicles may be searched whenever the school authority has reasonable suspicion to believe that illegal, unauthorized, contraband or otherwise prohibited materials are contained inside or in the event such materials are in plain view upon inspection of the vehicles exterior. Such patrols and exterior inspections may be conducted without notice, without student consent, without reasonable suspicion or without a search warrant. Where the interior of a student's vehicle is to be inspected, the following guidelines are to be followed:

- c. Where a school official has reasonable suspicion or has made observations in plain view, the student shall be notified and given the opportunity to be present for the inspection of the interior of the vehicle; however, where there is reason to suspect that the student vehicle contains materials which pose an immediate threat to the health, safety or welfare of the students or staff, the student vehicle may be searched without prior warning or presence of the student.
- d. Any illegal, unauthorized, contraband or prohibited articles found in the student vehicle may be seized and used for evidence in disciplinary, juvenile or criminal proceedings. Materials found which may constitute a violation of law may be referred to law enforcement officials for possible prosecution.
- e. Where the interior of a student vehicle has been subject to a search, the parents of the student shall be notified as soon as practicable after the search has been conducted.
- f. In the event a school official conducts a search of the interior of the student's vehicle based upon reasonable suspicion, a memorandum shall be prepared to the Superintendent as soon as practicable after the search occurs, outlining the reasonable suspicion for conducting the search, and describing the manner in which the search occurred, including all witnesses present, and the results of the search.
- g. Searches of student vehicles may be conducted by law enforcement officials where there is a clear and immediate threat to the health, safety or welfare of other students or school employees, or upon properly executed search warrants presented to school officials, or on the intelligently and voluntarily given consent of the student.

#### H. Canine Searches

- a. The administration is authorized to utilize canines whose reliability and accuracy for sniffing out contraband have been established to aid in the search for contraband on school owned property and automobiles parked on school property. Munitions dogs will search for weapons such as a gun or gunpowder, and drug-sniffing dogs will sniff out drugs. A qualified and authorized trainer, who will be responsible for the dog's actions, must accompany the dogs. An indication by the dog that contraband is present on school property or in an automobile shall provide reasonable suspicion for a further search by school officials.

#### I. Confiscated Materials

- a. The District may confiscate any items or materials found in student's possession, which possession violates a law, District policy, or school rule, and use the confiscated items and materials as evidence in student disciplinary proceedings or criminal investigations, even if such items or materials were not the original objective of the search or inspection.
- b. The principal shall be responsible to ensure that confiscated items or materials 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.
- c. 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 law enforcement authorities for custody or disposal.

**IV. DELEGATION OF AUTHORITY**

- A. The Board authorizes the administration to conduct searches of students or their belongings, including lockers, automobiles, electronic devices, purses, backpacks, clothing, motor vehicles, and other possessions in accordance with the standards established by this policy.
- B. Students, parents/guardians, and staff shall be notified at least annually or more often if deemed appropriate by administration of the contents of this policy and District procedures.
- C. All students are responsible for the contents of assigned lockers and are therefore subject to disciplinary procedures that address possession of drugs, alcohol, weapons, or incendiary articles.

**V. REFERENCES**

24 P.S. 510

22 PA Code 12.14

Pol. 218.2

Pol. 223

Pol. 227

PA Const. Art. I Sec. 8

U.S. Const. Amend. IV

Pol. 225

Commonwealth v. Cass, 551 Pa. 25, 709 A.2d 350, 355-56 (1998)

In re F.B., 555 Pa. 661, 726 A.2d 361, 368 (1999)

Safford Unified School Dist. No. 1 v. Redding, 129 S.Ct. 2633 (U.S. 2009)

Pol. 815