

GOVERNOR MIFFLIN SCHOOL DISTRICT

SECTION: STUDENTS

TITLE: SEARCHES

ADOPTED: November 21, 2005

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	226. SEARCHES Purpose The primary purpose and justification for any search is the protection of the health, safety and welfare of the students, school property and the educational process. (1)(2) 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 <u>in a manner that complies with this policy and applicable law.</u> (3)(4)(5) Authority ~~The administration may search a student, student's lockers or student's vehicle and seize any illegal and prohibited materials found. However, when the administration and staff have a REASONABLE SUSPICION that the locker or vehicle contains materials which create a threat to the health, welfare, safety and/or order of the school, a search may be conducted without prior notice.~~ ~~The Board reserves the right to authorize its employees to inspect a student's locker at any time, based on reasonable suspicion, for the purpose of determining whether the locker is being used improperly for the storage of contraband, a substance or object, the possession of which is illegal, or any material that poses a hazard to the safety and good order of the schools. The Board authorizes the administration to conduct random searches of lockers at any time.~~ 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.
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Delegation of Responsibility	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~~<u>may</u> be notified of an imminent locker or vehicle search and given an opportunity to be present. All searches will be conducted by an administrator with a staff member present as a witness. 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. (1)(2)(6)(7) The Board authorizes administration to conduct searches of students or their belongings, including lockers, automobiles, electronic devices, purses, backpacks, clothing, other motor vehicles, and other possessions in accordance with the standards established by this policy <u>and applicable law</u>. Students, parents/guardians, and staff shall be notified at least annually, or more often if deemed appropriate by administration, concerning the contents of this policy and district procedures. (2) All students are responsible for the contents of assigned lockers and, therefore, <u>may be subject to disciplinary procedures ~~which address possession of when~~ drugs, alcohol, weapons, ~~or~~ incendiary articles <u>or other prohibited items are found in them</u>.</u> (3)(5) The Superintendent or designee shall develop procedures to implement this policy which shall require: 1. The principal or designee shall be present whenever a student locker is inspected. 2. The principal shall open a student's locker for inspection on the request of a law enforcement officer only on presentation of a duly authorized search warrant or on the intelligently and voluntarily given consent of the student. (8) 3. The principal shall be responsible for the safekeeping and proper disposal of any substance, object or material found to be stored in a student's locker, in violation of Board policy or school rules. 4. The principal shall be responsible for the prompt recording in writing of
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Guidelines	each locker inspection; such record shall include the reason(s) for the search, persons present, objects found and their disposition. 5. The principal or designee shall be responsible for inspection and responsible investigation of a student's use of the school-issued electronic devices and internet use. School officials are authorized to search a student's personal possessions or motor vehicle parked on school property when there is reasonable suspicion that the student is <u>in possession of an item that ~~violating~~-violates</u> law, Board policy or school rules, or poses a threat to themselves or the school population. <u>Individualized Suspicion Searches</u> Students or their belongings, including lockers, automobiles, electronic devices, purses, book bags, 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 contraband prohibited by school rules or federal or state law, 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. 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. (2) 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 <u>those devices contain</u> 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~~ <u>located</u> in the device. <u>Random or General Searches without Individualized Suspicion</u> 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
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students, for the purpose of finding or preventing entry onto school property or activities of controlled substances, weapons, or other dangerous materials subject to the general search requirements outlined below in this section. ~~Such~~ Any random or general searches ~~normally will shall~~ be conducted in a minimally intrusive manner by 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.

Generalized search requirements for weapon searches: 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. Any random or general searches for weapons shall be conducted at points of entry into schools and/or other school facilities to either pat down or scan all students before entry into those facilities, and to inspect students' backpacks or bags before such entry, to determine whether a student may be in a possession of a weapon.

Generalized search requirements for drug searches: 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. Any random or general searches for weapons shall be conducted using trained drug detection animals to scan public areas of school property, namely students' lockers, school parking lots, school hallways, to determine the presence of drugs in school.

~~Random~~ Any 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 appropriate law enforcement officials ~~will be accomplished~~ shall also occur, as needed, for the conducting such searches, as provided in the memorandum of understanding with the applicable law enforcement agency. The Superintendent shall promptly apprise the School Board of any random or general search that is conducted after its occurrence.

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 makes the student's consent to random searches or inspections a condition of access to the privilege. (4) <u>Searches by or at the Request of Law Enforcement Officials</u> 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~~ <u>shall</u> not interfere with or obstruct searches initiated by law enforcement ~~when the legal requirements for a search have been met, but and~~ may assist when law enforcement officials have <u>reasonably</u> requested such assistance and have represented that a <u>search</u> warrant has been issued or that they otherwise have proper authority for lawful search. <u>Locker and Desk Searches</u> Student lockers and desks are school property and remain at all times under the control of the school, and to the extent that students have any expectation of privacy in their lockers or desks, that expectation is very limited. Students are expected to assume full responsibility for the security of their lockers. Searches of lockers and desks will be conducted in accordance with this policy. (1) The school reserves the right to inspect lockers at any time without notice and without consent. Periodic locker inspections ~~will~~ <u>may</u> be conducted by the administration at any time during the school year. ~~The search of a particular locker will only be made upon REASONABLE SUSPICION that the student has illegal materials or when there has been a violation of a school rule or regulation.~~ No student may place or keep in a locker any substance or object that is
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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. 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 building principal or designee shall be present when a student's locker is ~~being inspected for cleanliness or~~ searched for contraband. 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. (1)(2)

Personal Searches

~~A student's person or personal property (purse, book bag, jacket, trousers) will be searched whenever the administration has REASONABLE SUSPICION to believe that s/he is in possession of illegal or unauthorized materials.~~

~~A pat down search of a student will be conducted in private by an administrator and a staff member of the same sex. No strip searches will be conducted.~~

Searches involving the removal or examination beneath any clothing of a student, other than jackets, coats, or other outerwear, shall be conducted in extremely limited circumstances. School staff shall make all reasonable efforts to have a student turn over any prohibited item that a student has placed beneath their outer clothing or placed in their undergarments. When a search involves the removal of or examination beneath any clothing of a student is 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 as the student, with at least one (1) other staff member 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.

Strip searches or searches involving the removal of undergarments or examination beneath undergarments ~~will not be conducted~~ are strictly prohibited under this policy.

Search Dogs

A drug/explosive detection dog may be used to search student lockers, classrooms

and school property at the discretion of the building administrator. The dog must be accompanied by a qualified and authorized handler who will be responsible for the dog's actions. Dogs shall not be used to search students.

Vehicle Searches

Students are granted a permit to park on school grounds as a matter of privilege, not of right. The school retains the authority to conduct routine checks of student vehicles, **in accordance with this policy and state and federal law, including, but not limited to, the use of a drug/explosive detection dog.** ~~. A drug/explosive detection dog may be used to conduct routine checks of student vehicles parked on school property.~~ Interior inspections **of motor vehicles parked on district property will be conducted in accordance with the requirements of this policy and state and federal law** when the administration has a reasonable suspicion that there are illegal or unauthorized materials contained inside the vehicle or a school rule has been violated.

Metal Detectors

School security screening metal detectors ~~shall~~may be used in the district on an as needed basis, when requested by the administrators **and approved by the School Board.**

General Provisions

A student who fails to cooperate with a justified suspicion-based search which is reasonable in scope may be presumed to be in possession of the prohibited item sought in the search and subject to disciplinary action for the possession of the same. For purposes of this paragraph, failure to cooperate includes, but is not limited to, a student's refusal to allow the administration to search a bookbag, purse or other item to store personal belongings; a student's refusal to empty their pockets or to remove items that have been placed in their undergarments; a student placing sought after items in their mouth; or a student discarding an items to avoid its recovery.

Any student refusing a search ~~will be suspended and recommended for expulsion from the district.~~ ~~will~~may remain in the custody of school officials until released to a parent/guardian or police officials.

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. 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. 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. ~~Searches conducted by the administration may include but not be limited to utilization of certified drug dogs, metal detection units, or any device used to protect the health, safety and welfare of the school population.~~ <u>The Superintendent shall ensure that school principals, assistant principals and other school staff authorized to conduct student search under this policy receiving training on the applicable law and requirements of this policy.</u> <u>Legal References</u> 1. 24. P.S. 510 2. 22 PA Code 12.14 3. Pol. 218.2 4. Pol. 223 5. Pol. 227 6. PA Const. Art. I Sec. 8 7. U.S. Const. Amend. IV 8. 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
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