

SECTION: PUPILS

TITLE: SEARCH AND SEIZURE

ADOPTED: FEBRUARY 2009

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LACKAWANNA TRAIL SCHOOL DISTRICT

226. SEARCH AND SEIZURE	
<p>1. Purpose</p>	<p>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.</p>
<p>2. Authority Pa. Const., Art. I Sec. 8 SC 510 Title 22 Sec. 12.14 U.S. Const., Amendment W Pol. 237</p> <p>Pol. 218.1, 223, 227</p>	<p>School officials have the authority to lawfully search students or their belongings, including lockers or other storage areas, 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.</p> <p>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 searches of students and lockers or other storage areas, automobiles 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.</p>
<p>3. Delegation of Responsibility Pol. 237</p> <p>Title 22 Sec. 12.14</p>	<p>The Board authorizes administrators to conduct searches of students or their belongings, including lockers or other storage areas, automobiles, electronic devices, purses, backpacks, clothing, and other possessions in accordance with the standards set forth in this policy.</p> <p>The Superintendent or designee, in consultation with the District solicitor, shall develop guidelines and procedures to implement this policy, and shall ensure that administrators involved in carrying out searches or determining when searches will be conducted receive appropriate periodic training about such procedures and currently applicable legal standards.</p>

<p>Title 22 Sec. 12.14</p> <p>4. Guidelines Title 22 Sec. 12.14</p>	<p>Any administrator, teacher, staff, or other District employee who reasonably suspects that a student has contraband in his/her possession or on school property shall immediately refer the matter to the building principal.</p> <p>Students, parents/guardians, and staff shall be notified at least annually of the contents of this policy.</p> <p>Students or their belongings, including lockers or other storage areas, 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.</p> <p>In determining whether reasonable suspicion exists, the principal or designee 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.</p> <p><u>Searches of Students</u> A student's person or personal property (purse, book bag, jacket, etc.) may be searched whenever the principal or designee has reasonable suspicion to believe that the student is in possession of contraband.</p> <p>In the event that a principal or designee has reasonable cause to believe that the student is carrying on his/her person illegal, unauthorized or contraband materials or other articles dangerous to the health, safety and welfare of other students or staff, and the student does not comply with the request to disclose the contraband, the principal or designee may conduct a pat-down search by an adult of the same gender as the student in the presence of a second adult witness. The principal or designee shall not conduct a search which would require a student to remove more than an outer level of clothing (shoes, jacket, sweatshirt, or the like).</p> <p>If the principal or designee determines that a more intrusive search (i.e. strip search) is required to explore contraband, they should advise the proper law enforcement agency and the student's parents/guardians, as soon as possible, of the grounds for their decision prior to any action being taken. Strip searches shall be conducted only by law enforcement and preferably off school grounds.</p> <p>The principal or designee shall promptly record in writing the details of each search and shall include the reason(s) for the search, the individuals present during the</p>
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<p>Title 22 §12.14</p>	<p>search, and the materials/objects found during the search and their disposition.</p> <p><u>Inspections and Searches of Storage Areas</u> Storage areas (including desks, lockers, closets, storage bins and any other approved storage areas) 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 storage areas are and shall remain the property of the District, and to the extent students have any expectation of privacy of storage areas at all, it is very limited.</p> <p>No student may place or keep in any storage area 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 these areas do not contain spoiled food items or beverages, or soiled clothing which may attract pests, create odors or cause unhealthy conditions. These storage areas 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 storage area contains spoiled food, soiled clothing in need of laundering or similarly unhealthy matter.</p> <p>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. In instances where the combination has not been provided to designated school staff, the student must remove the lock upon the request of the principal or designee or it will be removed from the locker by the District. If a student elects not to lock his/her locker, that student may be responsible for any items found in that locker.</p> <p>Prior to an individual storage area search or inspection, the student to whom the storage area is assigned shall be notified and be given a reasonable opportunity to be present. However, when there is a reasonable suspicion that a storage area contains materials which pose a threat to the health, welfare or safety of the school population, student storage areas may be searched without prior notice to the student.</p> <p>The principal or designee shall be present whenever a student storage area is inspected for cleanliness or is searched. The principal or designee shall maintain written records of all occasions when a storage area is searched or inspected. Such records shall include the reason(s) for the search, persons present, objects found and their disposition.</p>
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Pol. 237, 815

Electronic Devices

Electronic devices may be seized and searched by school administrators when there is reasonable suspicion that the search will reveal evidence that the student is violating or has violated the law, Board policy, or school rules. Such a search must be reasonable in scope and not exceedingly intrusive in light of the nature of the suspected violation of the law, Board policy, or school rules.

Examination by administration 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, Board 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.

Student Automobiles

School parking lots are owned by the District and the District exercises exclusive control over its parking lots. Use of the parking lots is a privilege, not a right. School parking lots may be subject to routine patrols and inspections of the exterior of automobiles and visual inspection of those items within the automobiles which are in plain view and visible through the windows of the automobile while on school property. Routine patrols may be conducted by District officials or drug detecting dogs. Patrols and inspections may be conducted without notice and without student consent.

Interiors of automobiles may be searched whenever a principal or designee has reasonable suspicion to believe that illegal materials are contained therein or there is evidence that there has been a violation of the law, Board policy, or school rules.

Use of Dogs in Searches

The Board permits a principal or designee to conduct blanket searches of school property with professionally trained handlers and dogs for the purpose of detecting illegal materials. The principal or designee shall authorize the search and have a designee on hand while the search is taking place.

Blanket searches may take place without further advanced notice.

All school property, including, but not limited to, lockers or other storage areas, classrooms, and parking lots, may be searched.

When such screening methods provide a reasonable suspicion that particular students, items or places possess or contain controlled substances, weapons or other dangerous material, or items that are a violation of the law, Board policy, or school rules, screening may be followed by physical searches of those particular students, items or places on an individual basis.

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, automobiles, or lockers or other storage areas 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.

Notification that a Search has Occurred

The principal or designee who performs a search of a student or his/her belongings, locker or other storage area, automobile, electronic device, purse, backpack, clothing, or other possessions, shall notify the parent/guardian that a search was conducted as soon as practicable after the search has occurred.

The principal or designee shall notify the Superintendent as soon as practicable after the search occurs, outlining the reasonable cause for conducting the search, and describing the manner in which the search occurred, including all witnesses present, and the result of the search.

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 or designee 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.

References:

Pennsylvania Constitution — PA Const. Art. I, Sec. 8

School Code — 24 P.S. Sec. 510

	<p>State Board of Education Regulations — 22 PA Code Sec. 12.14</p> <p>United States Constitution — Amendment W</p> <p>Board Policy — 218.1, 223, 227, 805.1</p> <p>In re F.B., 555 Pa. 661, 726 A.2d 361, 368 (1999)</p> <p>Commonwealth v. Cass, 551 Pa. 25, 709 A.2d 350, 355-56 (1998)</p> <p>Safford Unified School Dist. No. 1 v. Redding, 129 S.Ct. 2633 (U.S. 2009)</p>
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