

LACKAWANNA TRAIL SCHOOL DISTRICT

SECTION: PUPILS

TITLE: SEARCH AND SEIZURE

ADOPTED: FEBRUARY 2009

REVISED: February, 2009

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| <p>1. Purpose</p> <p>2. Authority Title 22 Sec. 12.14</p> <p>3. Delegation of Responsibility</p> <p>4. Guidelines</p> | <p style="text-align: center;">226. SEARCH AND SEIZURE</p> <p>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 and to protect the safety and welfare of all students and school personnel, the Board acknowledges the need, on occasion, for school authorities to search a student, student's person, student lockers, desks, computer files, cell phone logs, or student vehicles and to seize illegal, unauthorized or contraband material or information discovered in the search.</p> <p>Therefore, the Board adopts the following policy in order to balance institutional concerns with student rights governing personal searches, locker, desk, computer file and cell phone log searches, and student vehicle searches.</p> <p>The building principals shall be responsible for implementation of this policy at their respective levels. All requests or suggestions for a search and seizure shall be directed to the building principal.</p> <p>The search must be reasonably related in scope to the circumstances which justify the search. Searches should be no more intrusive than necessary to discover that the reason for the search was instigated. The Superintendent shall be responsible for the development of procedures to guide the building principals in the implementation of this policy.</p> <p><u>Personal Searches Of Students</u></p> <p>An appropriate school official is hereby authorized to conduct a search of a student's person in accordance with the following guidelines:</p> <ol style="list-style-type: none"> 1. In the event there is reasonable cause to believe that the search is necessary to maintain school discipline or to enforce school policies. 2. In the event there is reasonable cause to believe that a student is carrying on his/her person any, illegal, unauthorized or contraband materials or any article potentially dangerous to the health and welfare of the students and staff. Said |
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| | <p>student may be asked to voluntarily reveal the contents of pockets, pocket books, handbags, book bags, or other personal articles or be asked to remove his/her shoes.</p> <ol style="list-style-type: none">3. In the event the student does not comply with the request to disclose these items, and the school official 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, the school official may conduct a pat-down search by an adult of the same gender as the student in the presence of a second adult witness. School officials shall not conduct a search which would require a student to remove more clothing than his/her shoes or jacket. If school officials determine that a more intrusive strip search is required to explore contraband, they should advise the proper law enforcement agency and the student's parents or guardian, as soon as possible, of the grounds for their decision prior to any action being taken. Strip searches shall be conducted only by the State Police, preferably off school grounds.4. Searches of the students described in paragraph (2) and (3) herein-above do not require parental consent prior to conducting the search, but the school official shall notify the parent that a personal search of the student was conducted as soon as practicable after the search has occurred.5. In extreme emergency situations or where a more intrusive search of the student's person may be required, such a search may only be conducted in private by a school official of the same gender, and with a second adult witness of the same gender present, and only upon prior approval of the District Superintendent or Assistant to the Superintendent, and with prior approval of the student's parent or guardian, unless the health, safety or welfare of the student(s) and staff will be endangered by the delay which may be caused by following these procedures.6. Any illegal, unauthorized, contraband or other prohibited articles found as a result of searches of the student's person may be seized and used as evidence in disciplinary, juvenile or criminal proceedings.7. 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 cause for conducting the search, and describing the manner in which the search occurred, including all witnesses present, and the results of the search. |
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| <p>5. Guidelines Pol. 237</p> | <p>8. 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.</p> <p><u>Desks, Lockers, Computer Files, and Cell Phone Log Searches</u></p> <p>All student desks, lockers, and computer files are and shall remain the property of the school district and, as such, are subject to periodic inspection for the safety of all students. Unauthorized student use of a cell phone during the school day may warrant the student's logs to be searched by a school administrator in the order to maintain a safe school environment when accompanied by reasonable suspicion. Students shall have no expectation of privacy in their lockers, desks, and/or computer files. The students are encouraged to keep their assigned lockers or cabinets closed and locked against incursion by other students. If a student elects not to have a lock on his/her locker, s/he may be responsible for any items found in that locker. No student may use a locker, student desk, and/or computer file as a depository for a substance, object, or information 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. The Board reserves the right and authorizes its employees to inspect the student's desk, locker, computer files, and/or cell phone logs when such employee has reason to believe that they are improperly used for the storage of illegal, unauthorized or contraband materials, substances, objects or information, the possession of which is illegal, or any material or information which poses a hazard to the safety and/or good order of the schools. When a student desk, locker, computer file, or cell phone log is searched, the following guidelines shall be followed:</p> <ol style="list-style-type: none"> 1. When a student's desk, locker, computer file, or cell phone log is searched for reasonable cause, the student shall be notified and given an opportunity to be present. However, where there is reason to suspect that a desk, locker, computer file, or cell phone log contains materials which pose a threat to the health, safety or welfare of students or staff, the desk, locker, and/or computer file may be searched without prior warning or presence of the student. 2. Any illegal, unauthorized, contraband or other prohibited articles found in student desks, lockers, computer files, or cell phone logs may be seized and used for evidence in disciplinary, juvenile or criminal proceedings. 3. When a student's desk, locker, computer file, or cell phone log is searched for reasonable cause, the student's parents shall be notified as soon as practicable after the conduct of the search. 4. Periodic, general inspections of all student desks, lockers, and/or computer files may be conducted by school officials for any reason, at any time, without notice |
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and without student consent and without a search warrant.

5. Searches of students' desks, lockers, computer files, and/or cell phone logs 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.
6. In the event a school official conducts a search of the students' desks, lockers, computer files, and/or cell phone logs for reasonable cause (excluding periodic, general inspections under paragraph (4) hereinabove), a memorandum shall be prepared to 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.
7. Students shall be required to sign a waiver in order to have use of a school locker. The waiver shall inform the students that the locker is for the student's use but that the locker remains school district property and that the locker may be inspected at any time by school officials.

Student Vehicles

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 the exterior of student vehicles on school property. The interiors of student vehicles may be inspected wherever the school authority has reasonable cause 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 vehicle's exterior. Such patrols and exterior inspections may be conducted without notice, without student consent and without a search warrant. Where the interior of a student's vehicle is to be inspected, the following guidelines are to be followed:

1. Where a school official has reasonable cause 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 students.
2. 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.

3. 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.
4. In the event a school official conducts a search of the student's vehicle for reasonable cause, a memorandum shall be prepared to 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 results of the search.
5. 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.
6. For purposes of this policy, student vehicle is defined as any vehicle used to transport a student and/or students to school including registered vehicles, nonregistered vehicles, student owned vehicles and/or vehicles titled to individuals or entities other than a student.

The Superintendent shall develop any further necessary procedures for the implementation of this policy by the school building principal or their designated representative.

Students shall be notified annually or more often if deemed appropriate by administration, concerning the contents of this policy.

School officials in cooperation with the State Police and/or law enforcement may use "sniff dogs" to search inanimate objects on school premises, including student lockers, cars, bags, coats, purses, and other such belongings for drugs or other illegal contraband in accordance with the guidelines hereinbefore stated.