 **No. 222**

**SECTION: PUPILS**

**TITLE: SEARCHES OF STUDENTS, STUDENT LOCKERS, AND STUDENT VEHICLES**

**MEDICAL ACADEMY ADOPTED: 10/8/13**

**CHARTER SCHOOL REVISED:**

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VEHICLES

Students are entitled to the guarantees of the Fourth Amendment, and they are subject to reasonable searches and seizures by school officials.

The elimination of drugs, alcohol and weapons in public schools is important for the welfare and safety of students. This importance has been recognized by state and federal laws, including the Federal Drug-Free Schools and Communities Act of 1986, 20 U.S.C. §3171.2 et seq.; Federal Drug-Free Workplace Act of 1988, 41 U.S.C. §201 et seq.; Pennsylvania Act 93 of 1989, 35 P.S. §807.1; Federal Gun-Free Schools Act of 1994, 20 U.S.C. §8921 et seq.; and Pennsylvania Act 26 of 1995, 24 P.S. §1501-A and 24 P.S. §1317.2.

For purposes of this policy, “contraband” includes drugs, alcohol, weapons, or other materials possessed by a student in violation of federal or state law or school policy.

All contraband found during searches by school officials will be seized and used as evidence against the student in disciplinary proceedings. In addition, illegal material confiscated will be turned over immediately to the appropriate law enforcement agency for further investigation and for the institution of possible juvenile or criminal proceedings.

School officials may conduct a reasonable search of a particular student and his or her personal effects when there is reasonable suspicion that the student is in possession of contraband.

The scope of the search must be reasonably related to the objectives of the search and not excessively intrusive in light of the student’s age and sex and the nature of contraband the student is suspected of possessing.

School officials may conduct blanket or random searches of students without suspicion of any particular student where school officials determine in good faith that a substantial problem is

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threatening the welfare or safety of students and that blanket or random searches may help solve or eliminate the problem. Before such a search is conducted, the school will take the following steps:

1. The Principal/CEO and Assistant Principal will jointly approve the search in the

interest of solving a substantial problem threatening the welfare or safety of students.

2. The Principal/CEO and Assistant Principal will decide the method and scope of the

search. The search method must be uniform and preclude the use of discretion by

school officials as to which students are searched. For example, a metal detector test

or emptying of all pockets and bags as part of a blanket weapons search of all

students entering a building would be uniform and without discretion of officials.

Likewise, a dog-sniff drug search could be required for all students entering a

building. Random searches may be used to search less than all students provided the

method of selection is truly random and without discretion of officials. For example,

searching every fifth student in line before entering a building. The scope of the

search must be no more intrusive than necessary to satisfy the school’s interest

justifying the search. For example, a blanket pat-down search for drugs or weapons

would probably be excessively intrusive absent a severe problem to establish a

compelling justification.

3. The Principal/CEO and Assistant Principal are authorized to conduct a one-time

search or a program under which a series of searches are conducted over a specified

period of time, provided that the search program will only continue as long as deemed

necessary in light of the identified problem.

Student lockers are owned by the school and loaned to students for their convenience. The school exercises exclusive control over lockers and a student should not expect privacy regarding items placed in a locker because lockers are subject to search at any time by school officials.

School officials may conduct a reasonable search of a particular locker when there is reasonable suspicion that the locker contains contraband. Prior to the search of a particular locker, the student assigned to the locker will be notified and given an opportunity to be present. However, where school authorities have a reasonable suspicion that a particular locker contains material which poses a threat to the welfare and safety of students in the school, the student locker may be searched without prior notice.

School officials may conduct blanket or random searches of lockers without suspicion of any particular student where school officials determine in good faith that a substantial problem is

threatening the welfare or safety of students and that blanket or random searches may help solve or eliminate the problem. The search must be approved following the procedures required under (1), (2), and (3) above related to blanket or random searches of students. All students will be required to sign a written acknowledgment of receipt of a copy of this policy at the time each student is assigned and issued a locker. No additional notice to students is required prior to a

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random or blanket search of students’ lockers. Blanket or random locker searches may be conducted by opening and searching lockers or through the use of drug detecting dogs or other means of detecting contraband.

Any contraband found in a locker will be considered in the possession of the student assigned to the locker.

The school retains authority to conduct routine patrols of student parking lots and inspections of the exterior of student vehicles on school property without prior notice or consent.

School officials may conduct a reasonable search of the interior of a particular student’s vehicle when there is a reasonable suspicion that the vehicle contains contraband.

Except as provided below, only administration may conduct the search of a particular student, locker, or vehicle. The search must be conducted in the presence of at least one other administrator or teacher, except in emergency situations in which the Principal or Assistant Principal has reasonable suspicion that a student may have contraband that poses an immediate threat to the welfare and safety of other individuals in the school.

A pat-down search of a student’s person may only be conducted by a Principal or Assistant Principal of the same sex, except: (1) in emergency situations in which the Principal or Assistant Principal has reasonable suspicion that a student may have contraband on his or her person that poses an immediate threat to the welfare and safety of other individuals in the school; and (2) when the student’s sex is different from both the Principal and Assistant Principal, in which case the pat-down search must be conducted by another school official of the same sex.

School officials may use discretion in any decision to involve police in the investigation of contraband possession by students, except where school policy or state or federal law requires notification of police.