

LAUREL HIGHLANDS SCHOOL DISTRICT
Searches of Students, Student Lockers, and Student Vehicles

Policy Proposal

1.0 Background

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

- 1.2 The elimination of drugs, alcohol and weapons in public schools is important for the welfare and safety of students. The 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.

2.0 General Provisions

- 2.1 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.

- 2.2 All contraband found during searches 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.

3.0 STUDENTS

- 3.1 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.
- 3.2 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.

4.0 LOCKERS

- 4.1 Student lockers are owned by the Laurel Highlands District 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.
- 4.2 School officials may conduct a reasonable search of a particular locker when there is a reasonable suspicion that a 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 and staff in the school, the student locker may be searched without prior notice.

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

4.3.1 The Principal, Assistant Principal, District Chief of Police or his/her designee will approve the search in the interest of solving a substantial problem threatening the welfare and safety of students and staff.

4.3.2. The Principal, Assistant Principal, District Chief of Police or his/her designee 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 lockers are searched. Random searches may be used to search less than all lockers provided the method of selection is truly random and without discretion of officials, for example searching every fourth locker in a hallway.

4.3.3. The Principal, Assistant Principal, District Chief of Police or his/her designee 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 the search program will only continue as long as deemed necessary in light of the identified problem

- 4.4 All students will receive a copy of this policy and/or the Laurel Highlands School District Code of Conduct that includes this policy at the time each student is assigned and issued a locker. No additional notice to students is required prior to a random search or blanket search of student's lockers. Blanket or random locker searches may be conducted by opening and searching lockers.

5.0 Student Vehicles

- 5.1 Student parking lots are owned by the Laurel Highlands School District and parking permits are made available to students for their convenience. The school exercises exclusive control over parking lots. Students should not expect privacy regarding items placed in their vehicle in the student parking lot, as the parking lot is subject to routine patrols and inspections of the exterior of student vehicles on school property without prior notice or consent. Routine patrols may be conducted by school officials or through the use of drug detecting dogs.
- 5.2 School officials may conduct a reasonable search of the interior of a particular vehicle parked in the student parking lot when there are reasonable suspicion that the vehicle contains contraband. Prior to the search of a particular vehicle, the student will be notified and given an opportunity to be present. However, where school authorities have a reasonable suspicion that a particular vehicle contains material which poses a threat to the welfare and safety of students and staff in school, the vehicle may be searched without prior notice.

- 5.3 All students will receive a copy of this policy and/or the Laurel Highlands School District Code of Conduct that includes this policy at the time each student is assigned a parking permit. No additional notice to students is required prior to routine patrols and inspections of the exterior of student's vehicles on school property.

6.0 Search Procedures

- 6.1 Except as provided below, only Principals, Assistant Principals, District Chief of Police or his/her designee may conduct the search of a particular student, locker, or vehicle. The search must be conducted in the presence of at least one other person, except in emergency situations in which the Principal, Assistant Principal, District Chief of Police or her/his designee 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.
- 6.2 A pat-down search of a student's person may only be conducted by a Principal, Assistant Principal, District Chief of Police or his/her designees of the same sex, except;
- 6.2.1 In emergency situations in which the Principal, Assistant Principal, District Chief of Police or his/her designee 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 that student or of other individuals in the school; and
- 6.2.2. When the student's sex is different from both The principal or assistant principal or person doing the pat-down search, in which case the pat-down search must be conducted by another school official of the same sex.

6.2.3 Under no circumstances will any type of strip search be done by any official or person(s) employed by the Laurel Highlands School District.

- 6.3. School officials may use discretion to involve police in the investigation of contraband possession by students, except where school policy or state or federal laws require notification of police.
-