

KEYSTONE OAKS SCHOOL DISTRICT

# Policy Guide



Policy No. 226

Section PUPILS

Title SEARCHES

Adopted AUGUST 21, 1989

Last Revised NOVEMBER 15, 2022

POLICY NO. 226 SEARCHES		
Section 1	<p><b><u>Purpose</u></b></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>	
Section 2	<p><b><u>Authority</u></b></p> <p>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 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 their lockers, vehicles or other</p>	<p>PA Const. Article I Sec. 8 SC 510 22 PA Code 12.14 U.S. Const. Amend. IV</p> <p>Pol. 218.1, 223, 227</p>

	<p style="text-align: center;"><b>POLICY NO. 226</b> <b>SEARCHES</b></p> <p>belongings without individualized suspicion, for the purpose of finding or preventing entry onto school property of controlled substances, weapons or other dangerous materials.</p>	
<b>Section 3</b>	<p><b><u>Delegation of Responsibility</u></b></p> <p>The Board authorizes the administration to conduct searches of students or their belongings, including lockers, 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 building administrators and designees who are 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>Students, persons in parental relation and staff shall be notified at least annually, or more often if deemed appropriate by administration, about the standards and procedures in effect pursuant to this policy.</p>	22 PA Code 12.14
<b>Section 4</b>	<p><b><u>Guidelines</u></b></p> <p><b><u>Individualized Suspicion Searches</u></b></p> <p>Individual students or their belongings, including lockers, 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>	22 PA Code 12.14

	<p style="text-align: center;"><b>POLICY NO. 226</b> <b>SEARCHES</b></p> <p>Building administrators or designees may search electronic device cases. Building administrators or designees may search for and seize electronic devices, but shall not examine electronic content such as text messages, call logs, files, images or other data contained in a student’s mobile telephone or other electronic device unless given permission to search. Searches of a device case and a consent-based search of the actual device content should be conducted by an administrator or in the presence of an administrator. Permission to search may be secured from a student or person in parental relation, and a record maintained of the how consent was secured. If consent is not forthcoming, the device may be retained by the District pending review with the Superintendent, Superintendent's designee, or with the Solicitor or law enforcement as the Superintendent deems advisable. Any such device must be properly inventoried and secured prior to being turned over to law enforcement or a person in parental relation.</p> <p>In determining whether reasonable suspicion exists, the building administrator 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.</p> <p>If based on the individual student’s behavior, medical symptoms, vital signs or other observable factors, a building administrator has reasonable suspicion that the student is under the influence of controlled substance, alcohol or other mood altering chemicals, the student may, in consultation with the students person in parental relation, be referred to an appropriate agency to submit to drug or alcohol testing The testing may include but is not limited to the analysis of blood, urine, or saliva.</p> <p><u>Consent and Communication</u></p> <p>When the threshold of reasonable suspicion is met, school officials do not need consent from the student and/or a person in parental relation to conduct a search. School officials have the responsibility to share the reasons for the search and give the student an opportunity to be heard. School officials must also ensure that the scope of the search is reasonable based on the suspected violation. School officials will encourage cooperation</p>	<p>Pol. 227</p>
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	<p style="text-align: center;"><b>POLICY NO. 226</b> <b>SEARCHES</b></p> <p>from students.</p> <p>School officials shall make a reasonable effort to contact person(s) in parental relation prior to a search. School officials will also contact person(s) in parental relation after a search is conducted.</p> <p>If a student refuses to cooperate with the search process, school officials will attempt to secure cooperation and support from the person(s) in parental relation.</p> <p>When the suspected item may constitute contraband of any kind or potential evidence of a crime (e.g., controlled substances, weapons or look-alike weapons, and stolen property), refusal to cooperate with school officials may result in immediate referral to local law enforcement and may also result in separate and additional disciplinary consequences under the Code of Conduct.</p> <p>If the suspected item does not constitute contraband of any kind or potential evidence of a crime (e.g., tobacco products, lighter, and cheat sheet), refusal to cooperate with school officials may result in separate and additional disciplinary consequences under the Code of Conduct.</p> <p><u>Locker Inspections and Searches</u></p> <p>Lockers are assigned to or otherwise made available to students for the convenient storage of books, clothing, school materials and limited personal property, and to facilitate movement between classes and activities. Such lockers are and shall remain the property of the District, and to the extent students have any expectation of privacy of lockers at all, it is very limited.</p> <p>No student may place or keep in a locker 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 their lockers do not contain spoiled food items or beverages, or soiled clothing which may attract pests, create odors or cause unhealthy conditions. A student locker may be opened and inspected for cleanliness, with or without the consent of the student, whenever there are odors,</p>	
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	<p style="text-align: center;"><b>POLICY NO. 226</b> <b>SEARCHES</b></p> <p>pests or other indications that a locker 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.</p> <p>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.</p> <p>A District administrator shall be present whenever a student locker is inspected for cleanliness or is searched. The administrator shall maintain written records of all occasions when a locker is searched or inspected. Such records shall include the reason(s) for the search, persons present, objects found and their disposition.</p> <p><u>Vehicle Inspections and Searches</u></p> <p>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 make the student's consent a condition of access to the privilege.</p> <p><u>Handling and Disposal of Items Found in the Course of Searches</u></p> <p>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.</p>	
		Pol. 223

	<p style="text-align: center;"><b>POLICY NO. 226</b> <b>SEARCHES</b></p> <p>The building administrator 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.</p> <p><u>Searches by or at the Request of Law Enforcement Officials</u></p> <p>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, 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 shall 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.</p> <p><u>General Searches With No Individualized Suspicion</u></p> <p>When certain criteria are present general searches of school premises, 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, for the purpose of finding or preventing entry onto school property or activities of controlled substances, weapons or other dangerous materials. Such searches normally will be conducted in a minimally intrusive manner 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. School staff, designated by the Superintendent, may also assist in searching student bags and materials in response to a threat (e.g., a bomb threat). When such screening methods provide a reasonable suspicion that particular students, items or</p>	Pol. 805.1
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	<p style="text-align: center;"><b>POLICY NO. 226</b> <b>SEARCHES</b></p> <p>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.</p> <p>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.</p> <p>General searches for controlled substances may be conducted when a credible source indicate a use, possession or trafficking of controlled substances among students in school. For example, the building administrator may receive information from a student and/or staff member involving controlled substances that does not include a specific name of an alleged person or persons.</p> <p>General searches not based on individualized suspicion must be approved in advance by the Superintendent or designee. For example, a general search of student bags and equipment may occur before overnight or out-of-state trips. For student trips, building administrators must communicate the search process to students and persons in parental relation in advance of that trip. Coordination with law enforcement officials will be accomplished as provided in the memorandum of understanding with the applicable law enforcement agency.</p> <p>In a timely manner, the administration will inform the board that a general search was conducted and provide basic information of any prohibited items.</p>	<p>Pol. 805.1</p>
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