### Policy Guide

**Policy No.** 226  
**Section** PUPILS  
**Title** SEARCHES

**AUGUST 21, 1989**

**AUGUST 16, 2016; OCTOBER 19, 1998**

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**Section 1**  
**Purpose**

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.

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**Section 2**  
**Authority**

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.

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 or random searches of students and their lockers,

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PA Const. Article I  
Sec. 8  
SC 510  
22 PA Code 12.14  
U.S. Const. Amend. IV  
Pol. 223, 227, 250
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vehicles 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. The reasonableness of the search shall be determined by balancing the nature of the students’ privacy interest; the character of the search to be conducted; the nature and immediacy of the suspected threat to the health, safety or welfare of the student population; and the efficacy of the search for addressing the suspected threat. The Superintendent and/or designee shall consult with legal counsel before the District conducts any search.

Section 3 Delegation of Responsibility

The Superintendent, in consultation with the District solicitor, shall develop guidelines and procedures to implement this policy, and shall ensure that administrators 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.

The Board authorizes District administrators, with the authorization of the Superintendent, 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. The Superintendent must authorize a search prior to it taking place. Under no circumstances are District employees, other than administrators, allowed to conduct a student search unless a waiver has been given by the Superintendent.

Section 4 Guidelines

Except under exigent circumstances or when it is impractical to do so, students shall be notified before a search of student property or of a student’s assigned school district locker. The reasons for and the results of all searches based on reasonable suspicion must be documented by the District administrator conducting the search.
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| **Student Rights During Questioning**  
| School officials and administrators, other than School Police or School Resource Officers, are authorized to question students when necessary and without the presence of legal counsel, notwithstanding any request by the student or the student’s parent/guardian(s) to have legal representation. School Police, Police, and School Resource Officers shall abide by any such request in accordance with the student’s Miranda Rights, if applicable.  
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| **Searches Based Upon Individualized Suspicion**  
| 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.  
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| In determining whether reasonable suspicion exists, the District administrator must 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 shall be limited to the place or places the item sought is believed to be.  
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| Examination by a District administrator 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, District 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. All such examinations must be authorized by the Superintendent in collaboration with the District Solicitor.  
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| If a District administrator has reasonable suspicion that a student is under the influence of alcohol or a controlled substance, a student may be required to submit to a Breathalyzer/Portable  
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| 22 PA Code 12.14  
| Pol. 227 |
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Breath test and/or be required to obtain a blood test or urinalysis before returning to school.

Random or General Searches With No Individualized Suspicion

Under certain circumstances, random or general searches of 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, in the absence of individualized suspicion focused on a particular student or students, for the purpose of finding or preventing entry onto school property or activities of controlled substances, weapons or other dangerous materials and to advance the District’s compelling interest in preserving the health, safety, and welfare of the school population, enforcing rules of conduct and maintaining an appropriate atmosphere conducive to learning. 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. When such screening methods provide a reasonable suspicion that particular students, items or places possess or contain contraband materials that would pose a threat to the health, safety, or welfare of the school population, or evidence that there has been a violation of the law, District policy or school rules screening may be followed by physical searches of those particular students, items or places on an individualized basis.

General or random searches must apply to all students or a randomized selection, such as every student in a building or a particular grade level of students in a building.

General or random searches not based on individualized suspicion must be approved in advance by the Superintendent, in consultation with the District Solicitor. Coordination with law enforcement officials will be followed as provided in the Memorandum of Understanding with the applicable law enforcement agency.
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### Searches Upon Consent

Searches may be conducted at any time, with or without reasonable suspicion, if the student has given knowing and voluntary consent specific to the place or item to be searched.

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 to random searches or inspections a condition of access to the privilege.

### 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, 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.

### Locker Inspections and Searches

Lockers 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 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.

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
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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, pests or other indications that a locker contains spoiled food, soiled clothing in need of laundering or similarly unhealthy matter.

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

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.

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.

Searches Involving Removal of Clothing or Examination Beneath Clothing

Under no circumstances shall a school district employee conduct a search that requires a student to remove primary clothing or undergarments. If a reasonable suspicion exists that could warrant a search involving the removal of a student’s primary clothing or undergarments, the building administrator shall immediately contact the Superintendent who will collaborate with the District Solicitor; in addition, the appropriate law enforcement agency will be contacted to determine whether or not such action is warranted.

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not to conduct such a search. This policy does not prevent the school district from requiring students to remove coats, jackets, sweatshirts or sweaters, other outerwear, belts, hats, shoes, socks or similar items.

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 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.

Disciplinary Response

Failure to comply with authorized school search procedures outlined in this policy may result in disciplinary action pursuant to the Code of Student Conduct and/or local, state, and/or federal laws.

References:

PA Constitution – Article I Sec. 8
U.S. Constitution – Amendment IV
School Code – 24 P.S. Sec. 510
State Board of Education Regulations – 22 PA Code Sec. 12.14
Board Policy – 223, 227, 250, 825