

EAST STROUDSBURG AREA SCHOOL DISTRICT

SECTION: PUPILS

TITLE: SEARCHES

ADOPTED: August 19, 2002

REVISED: November 20, 2006

<p>1. Purpose</p> <p>SC 510</p> <p>2. Authority</p> <p>Title 22 Sec. 12.14</p> <p>3. Guidelines</p>	<p style="text-align: center;">226. SEARCHES</p> <p>The Board is deeply concerned with maintaining the health, safety and welfare of those within the school setting. The Board recognizes the illegal use of controlled substances, and the potential for dangerous items to be brought into the school setting are major problems confronting our schools, our community, and our society in general.</p> <p>Thus, when the illegal possession, use, distribution, and sale of controlled substances, illegal possession of weapons or incendiary/explosive devices, other potentially dangerous or disruptive items threaten(s) those in the school setting and/or the setting itself, it becomes the responsibility of the Board to take steps necessary to protect the health, safety, and welfare of those within the school setting and the school setting itself, which includes all school property, school buildings, school buses, vans or other vehicles, and at school-sponsored events which may be held off school premises.</p> <p>The Board reserves the right to authorize school officials to conduct searches of student lockers, all school property, student possessions, student vehicles on school property and their persons when school officials have reasonable suspicion that the student is violating law, Board Policy or school rules, or poses a threat to the health safety or welfare of the school population, and/or that controlled substances, weapons, incendiary/explosive devices, contraband, a substance or object the possession of which is illegal, other potentially dangerous or disruptive items and/or any material that poses a threat to the health, welfare, or safety or the school population is/are in the possession of a student and/or are being concealed or stored by a student.</p> <p>Searches conducted by the administration may include but not be limited to utilization of certified drug dogs, metal detection units, or any device used to protect the health, safety and welfare of the school population.</p> <p><u>Reasonable Suspicion</u></p> <p>Reasonable suspicion may arise when one (1) or more of the following</p>
---	---

circumstances are present:

1. Heightened concern as to dangerous and/or illegal activity within the school setting such as:
 - a. Information received from unnamed students, teachers, family members.
 - b. Observations of suspicious or secretive behavior from students and teachers.
 - c. Suspicious activity by students, such as passing small packages between themselves in the hallways.
 - d. Call(s) from concerned parents.
 - e. Observation of a student being in possession of a large amount of money.
 - f. Observation of increased use of phones and/or the use of pagers by a student.
 - g. Observance of a student exhibiting physical signs of substance or alcohol use.
 - h. Ongoing problems regarding the use, distribution, possession and/or sale of controlled substances, the illegal possession of weapons or incendiary/explosive devices, other potentially dangerous or disruptive items, and/or disciplinary problems dealing with same.
 - i. Other reasons (the aforementioned list is not all-inclusive and not limited to the above; other reasons may be considered).
2. Information is received pertaining to the possession of controlled substances, weapons, incendiary/explosive devices, other potentially dangerous or disruptive items which pose a threat to the health, welfare and safety of the students, and the school.
3. Information is received indicating controlled substances, weapons, incendiary/explosive devices, other potentially dangerous or disruptive items are being transferred or sold within the school setting.

Canine Searches

Canine searches are searches involving the use of trained dogs to search school property.

General inspections of school property with trained dogs may be conducted at the discretion of the Superintendent. Such searches shall normally be conducted after school hours unless the Superintendent determines that a search during school hours is necessary to protect the health, safety, and welfare of those in the school setting.

2. Approved searches of school property by trained dogs shall be made only by certifiably trained dogs and trained handlers under the supervision of school officials.
3. During a search using dogs, students and teachers shall be segregated from the search area, and the dogs shall not come into contact with students and staff unless a clear and present danger has been established or if a proper search warrant has been secured from a proper legal agent.
4. Only appropriate law enforcement agents and/or school officials shall participate in searches of the school.

Locker Searches

The Board acknowledges the need for in-school storage of books, clothing, school materials, and other personal property and provides lockers for such storage.

Students shall assume responsibility for maintaining the security of their lockers.

Student lockers are school district property which are loaned to students for their convenience. Students are not only encouraged to keep their assigned lockers clean and orderly, but also secured against incursion by other students. No student may use a locker as a depository for controlled substances, weapons, incendiary/explosive devices, other potentially dangerous or disruptive items which threaten the health, safety, and/or welfare of those in the school setting or the setting itself. Student use of said lockers is expressly conditioned upon the student's acknowledgement that the locker belongs and remains the property of the school district.

The Board authorizes school officials to inspect a student's locker by random and/or periodic searches when the decision by a school official is reasonable given all the circumstances present at the inception of the search and the search itself is reasonably limited in its scope to the objective which initially prompted the search.

Applying the aforementioned procedure and/or periodic search, school officials may search a student's locker and seize any controlled substances, weapons, incendiary/explosive devices, other potentially dangerous or disruptive items. Further, the Board authorizes the administration to conduct random general searches of lockers when the school district has a compelling interest in protecting and

<p>Title 22 Sec. 12.14</p>	<p>preserving the health, safety or welfare of the school population.</p> <p>Prior to a locker search, a student may be notified and given an opportunity to be present, the student's presence is not mandatory. However, where school officials have a reasonable suspicion that the locker contains controlled substances, weapons, incendiary/explosive devices, other potentially dangerous or disruptive items which pose a threat to the health, welfare and safety of those in the school setting and/or the setting itself, the student's locker may be searched without prior warning.</p> <p>The principal or designee shall be present whenever a student locker is inspected based on reasonable suspicion</p> <p>The principal shall open a student's locker for inspection on the request of a law enforcement officer only on presentation of a duly authorized search warrant or on the intelligent and voluntary consent of the student.</p> <p>The principal shall be responsible for promptly recording in writing each locker inspection: such record shall include the reason(s) for the search, persons present, object found and their disposition.</p> <p>A significant school district interest which would override or outweigh the intrusion into the limited privacy right of the student would include one (1) or more of the following circumstances:</p> <ol style="list-style-type: none">1. Specific detailed reasons for heightened concern as to dangerous and/or illegal activity within the school setting such as:<ol style="list-style-type: none">a. Information received from students, teachers, family members.b. Observations of suspicious or secretive behavior from students and teachers.c. Suspicious activity by students, such as passing small packages between themselves in the hallways.d. Call from concerned parents.e. Observation of a student being in possession of a large amount of money.f. Observation of increased use of phones and/or the use of pagers by a student.g. Observation of a student exhibiting physical signs of substance use.
--------------------------------	---

<p>Title 22 Sec. 12.14</p> <p>Title 22 Sec. 12.14</p>	<p>h. Ongoing problems regarding the use, distribution, possession and/or sale of controlled substances, the illegal possession of weapons, incendiary/explosive devices, other potentially dangerous or disruptive items and/or disciplinary problems dealing with same.</p> <p>i. Other reasons (the aforementioned list is not all-inclusive and not limited to the above; other reasons may be considered).</p> <p>2. Information is received pertaining to the possession of controlled substances, weapons, incendiary/explosive devices, other potentially dangerous or disruptive items which pose a threat to the health, welfare and safety of those in school setting or the setting itself.</p> <p>3. Information is received indicating controlled substances, weapons, incendiary/explosive devices, other potentially dangerous or disruptive items are being transferred or sold within the school setting.</p> <p>School officials shall be responsible for the safekeeping and proper disposal of any substance, object, material, controlled substance, weapon, incendiary/explosive device, and/or other potentially dangerous or disruptive item found in a student's locker.</p> <p>School officials shall be responsible for the prompt recording, in writing, of each locker inspection. This record shall include:</p> <ol style="list-style-type: none"> 1. The reasons for the search. 2. The persons present. 3. The objects found. 4. The disposition of controlled substances, weapons, incendiary/explosive devices, other potentially dangerous or disruptive items confiscated. <p>Students parents/guardians and staff shall be notified at least annually, or more often if deemed appropriate by administration, concerning the contents of this policy and school district procedures.</p> <p>Illegal and prohibited materials seized during a student search may be used as evidence against the student in a school disciplinary proceeding.</p>
---	---