

# SEVEN GENERATIONS CHARTER SCHOOL

SECTION: STUDENTS  
 TITLE: 226 – SEARCHES  
 ADOPTED: September 1, 2009  
 REVISED: December 13, 2016, April 11, 2017

Policy	<p>Seven Generations Charter School (“School”) is committed to providing schools free of drugs, alcohol and weapons. The School actively works to protect its students, ensure school discipline, protect school property and ensure the healthcare of students while in the school environment. The School will not tolerate students buying or selling drugs, alcohol and weapons on school property.</p> <p>All lockers and other storage areas provided for student use on school premises remain the property of the school and are provided for the use of the students, subject to inspection, access for maintenance, and search. No student shall lock or otherwise impede access to any locker or storage area except with a lock approved by the school in which the locker or storage area is located.</p>
Delegation of Responsibility	<p>The Board of Trustees of Seven Generations Charter School authorizes the Chief Executive Officer (CEO) or his/her designee to enforce this policy</p>
Procedures	<p>School officials may conduct or authorize a search of a student when the purpose of the search is to maintain safety and discipline or promote the continued orderly functioning of the educational process.</p> <p>School officials shall search only for evidence of violations of law or school district discipline code.</p> <p>Searches will generally be conducted after notifying the student and giving the student the opportunity to be present. However, when school officials have a reasonable suspicion that materials may be present which pose a threat to the health, welfare or safety of the students of the school, the search may be conducted without warning.</p> <p>School officials shall, at the beginning of the school year or upon entrance into the school district, regularly notify students and parents of the School’s disciplinary policies and procedures including search and seizure procedures.</p> <p><b>A. Reasonable Suspicion</b></p> <p>Searches of students or their possessions shall be conducted only when school officials have reasonable suspicion that the search will uncover evidence that a law has been violated or a school rule has been broken and that the student(s) who is (are) the subject of the search participated in the infraction or violation.</p> <p>Reasonable suspicion shall be based upon one or more of the following:</p>

- Information from credible sources. If the source is anonymous, the information must show that the informant has a relationship to the school or student so as to give it credibility.
- Suspicious or evasive behavior suggesting violation of a school policy/law or concealment of contraband, weapons, or stolen property.
- Observation of a student engaging in prohibited conduct or being in a restricted area.

### **B. Reasonable Scope of the Search**

The scope of the search must be reasonably related to the objective sought and the evidence officials expect to find. The search shall be no more intrusive than is necessary to maintain the safety and discipline of all students or to promote the continued orderly functioning of the educational process.

To determine whether the search will achieve these two objectives, school officials should consider the factors listed below:

- The nature and severity of the violation to determine the permissible amount of intrusion into the student's privacy rights.
- The area to be searched so that it will be no more extensive than required.
- The time and place where the search is conducted so that it is as close as possible to the time and place of the suspected violation.
- The duration of the search so that it is no longer than necessary to serve the school's legitimate objectives.

### **C. Search and Seizure Procedures**

School officials have the right to search students, their possessions, lockers, and desks subject to the conditions listed below:

Lockers, student desks, and other school-owned property provided for storage of students' belongings shall remain under the care and control of the school. Students shall not have any expectation of privacy in the lockers, desks, and storage spaces provided to them.

All lockers, student desks, and other storage space provided for student use on school premises remain the property of the school and are subject to inspection, access for maintenance, and searches at the discretion of the CEO or designee.

No locker, student desk, or other school-owned storage spaces may be used to store any object whose possession violates the law or the standards stated in the Student Discipline Code.

No student shall lock or impede access to any locker or school-owned storage spaces except with a lock provided by the school.

School officials may search a student's locker, desk, or other storage spaces at any time and seize any illegal materials or any other materials which violate the Student Discipline Code or rules stated in the student handbook. These confiscated materials may be used as evidence against the student in disciplinary and/or legal proceedings.

Notice of the joint-ownership of lockers and desks shall be given to all students at the beginning of the school year and throughout the year as required.

All searches of lockers, desks, and other school-owned storage areas shall be conducted by the CEO or designee and one additional witness.

#### **D. Student's Person and Possessions**

School officials may search a student in school and/or during a school sponsored activity when they reasonably believe that evidence of illegal/criminal conduct or violation of school district disciplinary policies will be uncovered by the search. Searches of a student shall be reasonable in scope and limited to the following:

- Searches of student's pockets.
- Searches of any object in the student's possession, such as a purse, book bag, knapsack, briefcase, wallet, etc.
- Searches of jackets, coats, hats, shoes, or socks.
- "Pat-down" searches of the student's exterior clothing. The searches may be conducted only by a person of the same sex as the student being searched and in a private room absent an immediate threat of harm to a student or staff member. In addition, another person of the same sex (whenever possible) as the student being searched, shall witness but not participate in the search.
- Parents or guardians of any student searched shall be notified of the search as soon as reasonably possible.
- Strip searches shall not be conducted in the School. If school officials reasonably believe that evidence of illegal or criminal conduct would be uncovered in a strip search, they should notify police immediately.
- Absent an immediate threat of harm to a student or staff member, at least one person of the same sex as the student being searched shall witness but not participate in the search.

#### **E. Canine Searches**

School officials shall never conduct canine searches of a student's person. If school officials conduct canine searches, such searches shall be restricted to lockers, desks, other school storage areas, and parking lots, and shall be conducted on the advice of the school attorney.

#### **F. Surveillance**

School officials shall conduct surveillance of students in other areas open to public view where students are permitted.

#### **G. Random Sweeps**

Random searches of students or their personal property shall never be undertaken without first consulting the school's attorney and the local police department, except in cases of emergency where circumstances require immediate action to avoid danger to persons or property.

#### **H. Consent Searches**

School officials shall not search a student solely on the basis of the student's consent to the search. Rather, school officials must have based the need to search on the factors listed in sections A and B.

#### **I. Police Involvement**

Whenever school officials uncover evidence of a violation of law or school officials need help in maintaining school discipline or safety, they may seek police involvement. The standard for a search and seizure by police is probable cause.

#### **J. Legal Fourth Amendment Standards**

a. Probable Cause – The probable cause standard applies to police. Probable cause is the controlling standard when several of the following factors are present:

- Police request to be present
- Police gather facts
- Police make the decision to search
- Police direct the what, who, and how of the search
- Police actually do the searching
- Criminal prosecution is contemplated

b. Reasonable Suspicion – The reasonableness standard applies to school officials. Reasonable suspicion will usually be the controlling standard when the following variables are predominant:

- School makes the request for police presence
- School officials gather the facts
- School makes the decision to search
- School directs the what, who, and how of the search
- School officials actually do the searching
- Only school disciplinary proceedings are contemplated

References	<p><b>K. Reports</b></p> <p>After school officials conduct a search, they shall prepare a written report using the School search and seizure worksheet, that details the objectives of the search and the circumstances and information that gave rise to reasonable suspicion for the search. Copies of the report shall be filed with the CEO.</p> <p><b>L. Definitions</b></p> <p><b>School official:</b> For the purpose of search and seizure, a school official includes principals, assistant principals, other building level administrators and central office administrators. Teachers, nurses, or guidance counselors may be designated by the CEO to conduct or assist with a search. School officials may use the reasonable suspicion standard when conducting a search.</p> <p><b>Storage Areas:</b> Storage areas are spaces owned by the school and used by students to store their books and other possessions. Such storage areas include lockers, desks, gym lockers, closets, and any other area used for storage.</p> <p><b>Designee:</b> A designee (see school official) is a person designated by the CEO to conduct or assist in the search of a student or a student's locker, jacket/coat, book bag, purse, wallet, knapsack, or other possessions.</p> <p><b>Imminent Danger:</b> Imminent danger refers to conditions that pose a threat of bodily harm to students or staff. The presence of imminent danger would allow school officials to conduct a search for weapons or any other contraband that would cause bodily harm to students and/or staff.</p> <p><b>School Property:</b> School property refers to all the property/grounds surrounding the school and the school buildings themselves.</p> <p><b>Witness:</b> A witness is an administrator, teacher, counselor, nurse, secretary, or aide who is designated by the CEO or designee to assist in a search. Whenever possible, a witness must be of the same sex as the student being searched.</p> <p><b>Property Receipt:</b> A property receipt is a voucher listing items of a criminal nature found in a search. Such items would include but are not limited to drugs, weapons, stolen money, or other stolen property.</p>
	<p>Pennsylvania constitution – PA Const. Art. I, Sec. 8  School Code – 24 P.S. Sec. 510  State Board of Education Regulations – 22 PA Code Sec. 12.14  United States Constitution – Amendment IV</p>