

LIFE Prep, District #4035

Search of Students and Student Lockers

Adopted: October 26, 2015

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. This 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 by school officials 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 LIFE Prep school 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 reasonable suspicion that the 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 or safety of students and staff and that blanket or random searches may help solve or eliminate the problem. Before such a search is conducted, the school will take the following steps:

4.3.1) The Director or his/her designee and another staff member will jointly approve the search in the interest of solving a substantial problem threatening the welfare or safety of students and staff.

4.3.2) The director or his/her designee and another staff member 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 fifth locker in a designated hallway.

4.3.3) The Director or his/her designee and another staff member 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 that the search program will only continue as long as deemed necessary in light of the identified problem.

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