

**revised
DRAFT**

**CANON-MCMILLAN
SCHOOL DISTRICT**

SECTION: PUPILS

TITLE: STUDENT SEARCHES

ADOPTED:

REVISED:

<p>U.S Constitution 4th Amendment Pa. Constitution Article I Section 8</p>	<p style="text-align: center;">226.1. STUDENT SEARCHES</p> <p>Students while on school grounds, attending school functions and/or occupying school provided or related transportation have a limited expectation of privacy. This limited privacy interest must be balanced against the District's need to maintain a safe and secure environment for all students.</p> <p>In keeping with these principles, the Board establishes that in order to maintain a safe and secure environment for students and school personnel, school authorities may conduct searches of students which are reasonable at their inception and in their scope. The Board further authorizes school authorities to seize any and all illegal and/or prohibited contraband and/or tangible items discovered in a search.</p> <p>The propriety of any search of a student shall be based upon the reasonableness of the search in light of all the circumstances surrounding the search. To determine the reasonableness of a search, school authorities which include the Superintendent, Assistant to the Superintendent, Building Principals and Assistant Principals and their designees shall only conduct searches which are:</p> <ol style="list-style-type: none"> 1) Justified at their inception, which means that prior to beginning a search the school official conducting the search can articulate facts which make it reasonable to suspect that the search will turn up evidence that the student has violated or is violating the law or the rules, regulations and/or policies of the District; and 2) Limited in scope, which means the search, itself, is reasonably related to the objectives of the search and is not excessively intrusive in light of the age and sex of the student and the nature of the infraction. <p>The following is an non-exclusive list of circumstances where a School Authority may search a student:</p> <ol style="list-style-type: none"> 1) School Authority has recently received reliable information from an individual that s/he has actually and very recently seen narcotics, contraband and/or illegal or prohibited items in the possession of the student to be searched.
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- 2) School Authority has recently and personally observed narcotics, contraband, and/or illegal or prohibited items in the possession of the student to be searched.
- 3) School Authority has secured the voluntary and uncoerced consent of the student to be searched after personally observing the student engaging in a suspicious activity or after finding the student in an area associated with the exchange, use or sale of narcotics, contraband and/or illegal or prohibited items, without official permission for being there.
- 4) School Authority has recently received reliable information that the student voluntarily admitted recent possession of narcotics, contraband and/or illegal or prohibited items and gave their location.
- 5) School Authority has personally observed or received reliable information that the student to be searched is behaving in a manner consistent with having used or being under the influence of a controlled substance or alcohol.
- 6) School Authority has received information that makes it reasonable for the school official to conclude that an individualized search of a particular student will uncover evidence that the student is possessing prohibited, banned or illegal contraband.
- 7) School Authority has received information that makes it reasonable for the school official to conclude that an individualized search of a particular student will uncover evidence that the student by possessing a certain item or items has broken a law, school rule or regulation.

Best Practices regarding Time, Place and Manner of Search: Searches of students which involve touching a student, having the student remove an article of clothing, or taking from the student's person an article or item to be searched such as requiring a student to take off or out and open his or her book bag, purse or wallet constitute a search of the student. All searches shall be conducted in a manner that is reasonable in light of the gravity of the offense believed to be committed or the level of threat to the safety and welfare of the school community believed to exist. During any such search, school authorities should consider and employ where appropriate the following practices:

- 1) have present at least one other adult employee of the district;
- 2) if a search involves the touching of a student or the removal of a student's clothing those conducting the search should be the same sex as the student to be searched;

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	<ol style="list-style-type: none">3) conduct the search in a manner so as to minimize the embarrassment of the person being searched;4) when possible the search shall be conducted in an area where other students or school personnel not involved in the investigation are not present;5) conduct the search in a manner so as not to be more intrusive than is necessary.
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