


HOWARD GARDNER MULTIPLE INTELLIGENCE CHARTER SCHOOL

	Students/Families	SF17-1005
	Searches	ADOPTED DATE: October 17, 2017 REVIEWED DATE: REVISED DATE:

1. Purpose

The Board acknowledges the need to respect the rights of students to be free from unreasonable searches and seizures while fulfilling the Howard Gardner Multiple Intelligence Charter School’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.

2. Authority Pa. Const. Art. I Sec. 8 SC 914-A Title 22 Sec. 12 14 U.S. Const., Amendment IV

Howard Gardner Multiple Intelligence Charter School officials have the authority to lawfully search students or their belongings, including lockers, electronic devices, purses, backpacks, clothing, and other possessions, without a warrant, when on school premises or when under supervision of Howard Gardner Multiple Intelligence Charter School, 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 aviolation 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 Board 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, or other belongings without individualized suspicion, for the purpose of finding or preventing entry onto Howard Gardner Multiple Intelligence Charter School property controlled substances, weapons or other dangerous materials.

3. Delegation of Responsibility Title 22 Sec 12.14

The Board authorizes the administration to conduct searches of students or their belongings, including lockers, electronic devices, purses, backpacks, clothing, and other possessions in accordance with the standards set forth in this policy.

The Executive Director or designee, in consultation with the Howard Gardner Multiple Intelligence Charter School solicitor, shall develop guidelines and procedures to implement this policy, and shall ensure that Howard Gardner Multiple Intelligence Charter School staff 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.

Students, parents/guardians and staff shall be notified at least annually, or more often if deemed appropriate by administration, about the standards and procedures in effect pursuant to this policy.

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4. **Guidelines** Title 22 Sec 12.14 Individualized Suspicion Searches

Students or their belongings, including lockers, electronic devices, purses, backpacks, clothing, and other possessions, may be searched without a warrant when in the Howard Gardner Multiple Intelligence Charter School, on Howard Gardner Multiple Intelligence Charter School grounds or when otherwise under Howard Gardner Multiple Intelligence Charter 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.

In determining whether reasonable suspicion exists, the building administrator, program supervisor or designee always should 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 should be limited to the place or places the item sought is believed to be.

Examination by Howard Gardner Multiple Intelligence Charter School staff 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, Board 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.

Random Or General Searches Without Individualized Suspicion

Under certain circumstances, random or general searches of students and their belongings, including student lockers on Howard Gardner Multiple Intelligence Charter School property, may be conducted during the school day or upon entry into Howard Gardner Multiple Intelligence Charter School buildings or Howard Gardner Multiple Intelligence Charter School activities, in the absence of suspicion focused on a particular student or students, for the purpose of finding or preventing entry onto Howard Gardner Multiple Intelligence Charter School property or activities of controlled substances, weapons or other dangerous materials. 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 controlled substances, weapons or other dangerous material, screening may be followed by physical searches of those particular students, items or places on an individualized basis.

Random or general searches for weapons may be conducted when there are circumstances, information or events tending to indicate increased likelihood that students may be armed or headed for physical confrontation because of community strife or tensions, or as a continuation or escalation of a prior incident, in or out of school, which threatens to spill over into school, into an Howard Gardner Multiple Intelligence Charter School-sponsored activity, or into other times and places that students are under Howard Gardner Multiple Intelligence Charter School supervision.

Random or general searches for controlled substances may be conducted when there are circumstances, events

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or information tending to indicate significant drug use, possession or trafficking among students in school.

Random or general searches not based on individualized suspicion must be approved in advance by the Executive Director or designee, in consultation with the Howard Gardner Multiple Intelligence Charter School solicitor. Coordination with law enforcement officials will be accomplished as provided in the memorandum of understanding with the applicable law enforcement agency.

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, or lockers are conducted by or at the request of law enforcement officials, with or without the involvement of Howard Gardner Multiple Intelligence Charter 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. Howard Gardner Multiple Intelligence Charter School staff will 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. Such lockers are and shall remain the property of the Howard Gardner Multiple Intelligence Charter School, 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 building or the building itself. Students 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 Howard Gardner Multiple Intelligence Charter School, or if the Howard Gardner Multiple Intelligence Charter School does not provide locks, personal combination locks for which the combination has been provided to designated staff.

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.

The building administrator, program supervisor or a designated staff person shall be present whenever a student locker is inspected for cleanliness or is searched. The building administrator, program supervisor or designee shall

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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

Searches of students involving the removal of undergarments or examination beneath undergarments are subject to stricter standards than are required to justify other searches of a student's person or belongings. Such searches are permitted only when the basis for suspicion establishes either:

1. That the reasons for believing that the items being searched for are concealed specifically inside undergarments are stronger reasons than grounds that would support only a more general reasonable suspicion that the student is in possession of the items or has them somewhere on the student's person; or,
2. That the quantity or nature of the items being sought present a higher level of danger to the school population than other kinds of contraband.

Searches involving the removal of or examination beneath any clothing of a student, other than jackets, coats or other outerwear, shall be conducted only by a staff person of the same gender as the student, with at least one (1) other staff person of the same gender present as a witness, and in a location assuring privacy from observation by persons not involved in the search or of the opposite sex.

Searches involving the removal of undergarments or examination beneath undergarments will be conducted only after consultation with the Howard Gardner Multiple Intelligence Charter School solicitor.

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, Board 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 building administrator or program supervisor 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.

References:

Pennsylvania Constitution – PA Const. Art. I, Sec. 8 School Code – 24 P.S. Sec. 914-

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State Board of Education Regulations – 22 PA Code Sec. 12.14 United States Constitution –

Amendment IV

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In re F.B., 555 Pa. 661, 726 A.2d 361, 368 (1999)

Commonwealth v. Cass, 551 Pa. 25, 709 A.2d 350, 355-56 (1998)

Safford Unified School Dist. No. 1 v. Redding, 129 S.Ct. 2633 (U.S. 2009)