LENAPE TECHNICAL SCHOOL

SECTION: PUPILS

TITLE: MOTOR VEHICLE SEARCHES

ADOPTED: August 19, 2004

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226.1. MOTOR VEHICLE SEARCHES

1. Purpose

The Joint Operating Committee authorizes the use of motor vehicles by certain high school students on school premises, subject to rules, regulations and policies established by the Joint Operating Committee.

The Joint Operating Committee also recognizes that motor vehicles may be utilized by students in the possession, sale and/or transportation of illegal substances, devices and objects, or may be used as depositories of objects, substances or evidence of activities in violation of the law or policies of the Joint Operating Committee.

The Joint Operating Committee's obligation to maintain a safe, healthy and productive educational environment may at times require the search of motor vehicles driven by students onto school premises, under the established guidelines.

2. Definitions

A **student motor vehicle** means any motor vehicle driven by a Lenape student onto school premises, regardless of the actual legal ownership of the vehicle.

A **plain view inspection** means a visual inspection of the exterior and interior of a motor vehicle, effectuated through an open or closed window, doors, hoods, or unlocked trunk lid, and may involve a physical entry into the vehicle.

A **physical inspection** means actual entry into the passenger compartment, trunk or other storage area of the motor vehicle.

A **forced entry** means gaining access to the interior of a locked student motor vehicle without the use of a key.

3. Guidelines

The following guidelines are established with respect to student motor vehicle searches.

1. A prerequisite to operating a motor vehicle on school property shall be the execution by the student and the student's parent/legal guardian of a written consent form, authorizing the search of a motor vehicle by a school official in accordance with the terms of this policy.

2. School officials may routinely conduct plain view inspections of any student motor vehicles while the motor vehicles are on school premises.

3. School officials may conduct a physical inspection of a student motor vehicle while the vehicle is on school premises, when there exists reasonable grounds to suspect that the student in question has violated the law or Joint Operating Committee policies; and that the vehicle is being used for the storage of objects, substances or other evidence of such activities or contains items which constitute a threat to the health, safety or welfare of the student or other students of the school.

4. Prior to the physical inspection of a student motor vehicle, the student shall, where possible, be notified of the possibility of the physical inspection. The student shall also be notified of the law or policy which the student is suspected of violating. The student shall be given an opportunity to address the grounds used by the administration to search the vehicle and/or to voluntarily open or unlock the vehicle.

   The student shall also be informed that:

   a. Failure to voluntarily unlock any part of the vehicle as requested shall result in notification of his/her parent or legal guardian.

   b. Failure to voluntarily unlock any part of the vehicle as requested may result in notification of law enforcement officials.

   c. Failure to voluntarily unlock any part of the vehicle may result in revocation of permission to operate a motor vehicle on school premises.

5. If, following the student's explanation and/or the failure to voluntarily open or unlock the motor vehicle in the presence of the school official, a physical inspection of the motor vehicle remains reasonable, the school official shall conduct a physical inspection of the vehicle limited to gaining access through any unlocked doors, trunks or hoods. The vehicle is not to be forced open by use of any tool. If such physical inspection is not possible, the school official shall request that either the owner or co-owner, who is not the student, or the police open the vehicle. The student involved shall be informed of the right to be present during the physical inspection of the motor vehicle.

6. Not withstanding any other provision of this policy to the contrary, a school official or designee who reasonably suspects that the contents of a student motor vehicle creates an emergency situation in which the health or safety of the student is in question, other students, school personnel or facilities may be endangered by the delay inherent in compliance with the established notification procedures, may undertake forced entry into the motor vehicle as expeditiously as deemed necessary to preserve the health, safety and welfare of the school population.

7. The building administrator or designee shall be responsible for the safekeeping and/or proper disposal of any substance, object or material found to be unlawfully or improperly placed in a student motor vehicle.

8. Following the physical inspection of a student motor vehicle, the school official shall complete a written report indicating:

    a. The date, time, and place of the inspection.

    b. The name of the student and the school official involved.

    c. The name of the student's parent or legal guardian.

    d. If a physical inspection, a statement concerning the information which provided reasonable suspicion for the physical inspection.

    e. A statement of the student's explanation, if any, when confronted with the suspicions.

    f. A statement concerning whether or not the student elected to voluntarily unlock any locked part of the vehicle, as requested.

    g. The names and title of the person who gained forced entry to the vehicle.

    h. The result of the physical inspection.