



3 March 2017

Planning Ahead

Thursday-Friday, 9-10 March – **MACSA Bible Quiz Retreat**, Black Rock Retreat, Lancaster Co., PA

Friday, 24 March – **FJS 20th Anniversary Banquet**, 6:15 p.m., Shady Maple Banquet Center, Lancaster Co., PA

Science Fair research paper due.

Wednesday-Saturday, 29 March-1 April – **U. S. Government Trip** to Washington, D.C. (to be confirmed)

Monday-Friday, 3-7 April – **Missions Week**, parents invited. **NOTE: This is a change of date.**

Friday, 31 March – **Science Fair** experiment design or model plans due.

Friday, 31 March – End of 3rd Quarter



Illegal Search and Seizure?

Once again this week, we had an opportunity to search high school backpacks and lockers. On previous occasions it had to do with stolen money or "lost" cell phones. This week it was PACE score keys which were missing and could not be located in any other homeroom.

Whenever we do a backpack check, a locker check, or even the occasional pat-down, the students understandably raise questions of legality.

Fortunately, the law is firmly on our side.

In regard to searches of lockers, desks, or other places which are clearly school property, the school has the privilege of searching at any time, with or without the student's permission. "There is usually no 'expectation of privacy' when it comes to school property, like a locker or desk. This means school staff can look at what is in your locker or desk, even without telling you."¹

When searching backpacks, the guidelines are basically the same. "School officials need reasonable suspicion to search personal items. The key case, decided by the U. S. Supreme Court in 1985, was *New Jersey v. T.L.O.* In that case, an assistant principal opened and searched a purse after a student was accused of violating the school's no-smoking policy. The search turned up a pack of cigarettes, rolling papers, marijuana, a pipe, money, and other items. The court concluded that school officials acted within the Constitution and did not need a warrant because they had reasonable grounds for suspecting that a search would turn up a violation of **school rules**."²

On the issue of searching students' persons (pat-down), the Supreme Court has ruled that if "the school had a 'reasonable suspicion' that (1) the search would turn up evidence that the student broke the law or **school rules**, and (2) the extent of the search was related to its purpose and wasn't 'excessively intrusive,' considering the child's age and gender, as well as the nature of the wrongdoing," the pat-down was legal.³

At FJS, any search of lockers, backpacks, or searches of a student's person are conducted by at least two people – faculty, staff, or school board members. We do want to respect your children's privacy, but we also need to provide a safe environment, both physically and in regard to following school regulations. If you have further questions, I would be delighted to answer them for you. Please contact me.

James E. Gochnauer, Principal

¹ <https://www.kidslegal.org/search-and-seizure-school>

² <http://www.centerforpubliceducation.org/Main-Menu/Public-education/The-law-and-its-influence-on-public-school-districts-An-overview/Search-and-seizure-due-process-and-public-schools.html>

³ *New Jersey v. T.L.O.*, 469 U.S. 325 (1984)