

1974 WL 27676 (S.C.A.G.)  
Office of the Attorney General  
State of South Carolina  
March 21, 1974

\*1 Mr. Harold Hines  
Chief of Police  
Landrum, South Carolina 29356

Dear Chief Hines:

You have requested this Office to advise you as to the authority of school administrators to search students for drugs, the extent of such a search, the referral to police for criminal charges and the dismissal of such students.

It has been held that school officials operating under the doctrine of loco parentis are required to take any reasonable action, including a search, if such is necessary for the care and custody of students, under its control. In [People v. Jackson](#), 319 N.Y.S. 2nd 731 (1971) a high school coordinator of discipline had reasonable suspicion, but not probable cause to believe, that a student had narcotics on his person. There the coordinator was entitled to search the student and seize narcotics discovered when the coordinator apprehended the student after a three block chase which had begun at the school building. The court said that the in loco parentis doctrine is so commencing in light of public necessity and as special concept anticipating the fourth amendment, that any action, including a search, taken thereunder upon reasonable suspicion is necessary and reasonable.

Another New York Case, [People v. Stewart](#) 313 N.Y.S. 2nd. 253 (1971), said that where high school dean of boys received information from student informers respecting defendants and had defendants come into his office and empty their pockets which contained the narcotics and there was no basis for belief that dean was acting for police, such evidence was admissible notwithstanding claim of defendants that their constitutional rights under the fourth amendment had been violated.

As far as the extent of any search, that would, of course, depend upon the circumstances. Normally, a search would go no further than a search of a student's clothing.

The police can always be brought in to deal with a student whenever the school officials deem it necessary.

As far as dismissal from school, I refer you to sections 21-771 to 21-774 of our Code of Laws (a copy of these sections is enclosed) which deals with this subject and is self-explanatory.

If you need any further assistance in this matter, please do not hesitate to call or write.

Sincerely,

J. Frank Rogers, Jr.  
Law Clerk

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