

SEARCH, SEIZURE, AND INVESTIGATION

A search involves an invasion of privacy. Whether a search of a student is permissible depends on a balancing of the student's right to privacy and freedom from unreasonable search and seizure against the School Division's responsibility to protect the health, safety, and welfare of all persons in the school community and carry out its educational mission. To maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, school authorities may search a student, student belongings, student lockers, or student automobiles under the circumstances outlined below and may seize any illegal, unauthorized, or contraband materials discovered in the search.

As used in this policy, the term "unauthorized" means any item dangerous to the health or safety of students or school personnel, or disruptive of any lawful function, mission, or operation of the school or any item described as unauthorized in School Board Policies and the School Division's student standards of conduct.

The locations at which searches of students and student property may be conducted are not limited to the school building or school property. Searches may also be conducted wherever the student is involved in a school-sponsored function.

Weapons Screening Systems

As part of the safety and security process for access to schools and venues used for athletic and special events, weapons screening systems maybe used for all students, staff, and other attendees and, in such cases shall not constitute a search.

Personal Searches

A student's person and/or personal effects (e.g. purse, book bag, etc.) may be searched by a school official whenever the official has reasonable suspicion to believe that the student has violated or is about to violate the law or a School Board Policy and that the search will yield evidence of the violation.

All individual searches of students must be based on reasonable suspicion. In order to be permissible, the search must be:

1. Justified at its inception; and

2. Reasonably related in scope to the circumstances justifying the search.

An individual search is justified at its inception when a school official has reasonable grounds, based on the totality of the known circumstances, for suspecting that the search will reveal evidence that the student has violated or is violating either the law or School Board Policies. A search is reasonable in scope when it is reasonably related to the objectives of the search and is not excessively intrusive in light of the age and gender/gender-identify of the student and the nature of the suspected infraction.

~~A personal search may include requiring a student to be scanned with a metal detector.~~

Every effort will be made for students to empty their own pockets or personal items before a pat down search is conducted by a school official. If a student refuses to be searched, the student will be isolated until a parent/guardian reports to remove the student from the school. In extreme circumstances, a pat down search may be necessary. If a pat down search is necessary, it will be conducted in private by a school official with an adult witness.

Locker and Desk Searches

Student lockers and desks are school property and remain at all times under the control of the School Division; however, students are expected to assume full responsibility for the security of their lockers and are responsible for the content of their assigned locker at all times. Periodic general inspections of lockers and desks may be conducted by school officials for any reason at any time without notice, without student consent, and without a search warrant.

Automobile Searches

Students are permitted to park on school premises as a matter of privilege, not of right. School officials will develop regulations regarding parking on the school's property. The School Division retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. The interiors of student vehicles may be inspected whenever a school official has reasonable suspicion to believe that the student has violated or is about to violate the law or School Board Policy and that the search will yield evidence of the violation, or that illegal or unauthorized materials or other evidence of illegal or otherwise prohibited activities are contained inside the automobile. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

Computer Searches

School computers, software, and devices to access the internet are school property. Students are only authorized to use school computers and other similar educational technology consistent with the educational mission of the School Division and in accordance with School Board Policy IIBE, *Acceptable Use of Technology*. School officials may search school computers, software and internet access records at any time for any reason and without student consent.

Consent Searches

If a student gives a school official consent for a search, the school official does not need to demonstrate reasonable suspicion. A student's consent is only valid if given willingly and with knowledge of the meaning consent. Students must be told of their right to refuse to be searched, and students must not perceive a risk of punishment for refusing to grant permission for the search.

Seizure of Illegal Materials

If a properly conducted search yields illegal or contraband materials, such findings shall be turned over to proper legal authorities for ultimate disposition.

Investigations in Schools

School administrators have the duty to interview students in investigating violations of School Board Policies and criminal or unlawful activity or reports thereof, committed during school hours, at school-sponsored activities, or on school property; or in investigating reports of the presence of drugs, weapons, illegal, or unauthorized materials in the school building or on school grounds. As soon as criminal or unlawful activity is suspected, the school administrator must contact local law enforcement to report the circumstances. School administrators may not interfere with the procedures or conduct an investigation independent of local law enforcement or other law enforcement agencies, and will cooperate with local law enforcement or other law enforcement agency.

Whenever a school principal or other authorized school administrator contacts the local law enforcement, the local law enforcement may conduct an investigation within the school building and upon school grounds and interview students as possible witnesses in school during the day. Interviews shall be held in the principal's or other administrative office, and reasonable attempts shall be made to maintain the identity of those interviewed in confidence. The principal/designee shall be present during the interview(s).

It shall be the policy of the School Division to notify the parent/guardian of the student prior to any interview or interrogation by the police. In the event that local law enforcement requests that the principal/designee not notify the student's parent/guardian, the principal/designee shall immediately notify the Superintendent and the School Board Attorney of this request.

Adopted: July 1, 1993

Amended: December 8, 1997; December 11, 2003; January 22, 2015; April 14, 2022

Reviewed: October 22, 2009

Equity Review: April 14, 2022

Legal Ref.: New Jersey v. T.L.O., 469 U.S. 325 (1985).

Constitution of the United States, Amendment IV.

Constitution of Virginia, Article I, § 10.

Code of Virginia, 1950, as amended, § 22.1-279.7, 22.1-280.2:3.

Virginia School Search Resource Guide (Virginia Department of Education Oct. 2000).

Cross Ref.: CLA, *Reporting Acts of Violence and Substance Abuse*

EGAAA, *Reproduction and Use of Copyrighted Materials*

IIBE, *Acceptable-Responsible Student Use of Technology*

JBA, *Policy on the Treatment of Transgender and Gender Expansive Students Policy*

JFC, *Student Conduct*

JFCD, *Weapons in School*

JFCF, *Drugs in School*

-JFHA, *Prohibition Against Harassment ~~and/or~~ Retaliation*

KNAJ, *Relations with Law Enforcement Authorities*