

## STUDENTS

## IN GENERAL

§8-2        Investigations and SearchesA.        Purpose

To maintain order and discipline in the schools and to protect the safety and welfare of students, personnel and visitors, school authorities may search a student, student desks, student lockers, school-provided storage spaces, school-provided computers and other electronic devices, and private motor vehicles under the circumstances outlined in this policy and may seize illegal, unauthorized or contraband materials discovered in the search.

School authorities have a responsibility to investigate suspicions of violations of law or School Board policy by students and to report law violations to law-enforcement authorities. They also should cooperate with law-enforcement authorities who are investigating criminal acts. When an investigation by law-enforcement authorities involves interrogation of a student who is suspected of involvement in a crime, and the student's parents or guardians are not present, the principal of the school, or designee, shall be present.

This policy sets forth conditions and procedures for individualized searches of students' persons and property and of school property used by students, for the generalized inspections of school property and for interrogation of students by law-enforcement authorities at school.

B.        Grounds for Individualized Searches

Principals and their designees may search students and their property while on school property, at a school function or a school-sponsored event, when they have reasonable suspicion to believe:

1. a law, school rule or policy has been violated and that such student is in possession of evidence thereof or contraband materials;
2. that the student is in possession of drugs, alcohol, weapons, or other substances, images or articles that could be illegal or harmful or dangerous to the student or to others; or
3. that the student is under the influence of drugs, alcohol, or other substances and such student is in possession of evidence thereof.

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§8-2        Investigations and Searches (continued)C.        Individualized Searches of a Student's Person and Property

Reasonable suspicion must exist at the inception of the search. Once an articulable basis for a reasonable suspicion can be established, the scope of the search must be reasonably related to the circumstances that justified it and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. Searches of students must be conducted in the principal's office or other non-public area except in emergency circumstances requiring quick response. In all cases a witness should be present. The student may be requested to take a breath-analysis test or to submit to a metal detector scan and to empty pockets, pocketbooks, backpacks, and other personal belongings that could conceal improper substances or articles. In an appropriate situation, the principal or designee may also personally inspect such pocketbooks or other belongings and may conduct a "pat-down" search of pockets, clothing, and hair where substances or articles could be concealed. "Pat-down" searches shall be conducted only by a principal or designee who is of the same sex as the student. Strip searches by school officials are prohibited.

Personal cell phones or other private electronic devices of students may not be searched except upon reasonable suspicion outlined in paragraph B above. If within the scope of a search of a student's electronic device, possible pornography of any type is discovered, it must not be distributed, transmitted or shown to anyone except law enforcement and it must be promptly reported to local law enforcement.

D.        Individualized Searches of School Property Used by Students

Certain school facilities and equipment are made available to students for use and keeping personal belongings, books and other materials of the student while in the school and for use in student learning. Such facilities and equipment, which may include computers or other electronic devices, lockers, desks, cabinets, and other storage facilities, remain the property of the school, and the school retains a right to see that they are properly used. However, students are responsible for the contents of such facilities assigned to them.

School personnel shall respect the privacy of students' personal belongings in such storage facilities under ordinary circumstances. Routine group inspections of lockers or other such facilities without reason shall not be permitted except as part of a generalized inspection. However, if a principal or designee has a reasonable suspicion, as provided in paragraph (B), the principal or designee has a responsibility to investigate and is therefore authorized and expected to open the locker or other facility to determine its contents.

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When a principal or designee determines, as provided in paragraph (B), that a locker or other storage facility should be searched, the student to whom the locker or other storage facility is assigned should be present, if available, and should be informed of the reason for the search and requested to open the locker or other storage facility. If the student refuses, the principal or designee should open the locker or other storage facility and inspect the contents. If the reasonable suspicion of the principal or designee is also relative to the student, the principal or designee may search the student and the personal belongings of the student in accordance with this policy.

Nothing in this section shall be interpreted as denying a principal or designee the right to open and inspect a locker or its contents if he or she has reason to believe that the immediate safety or welfare of the students or school property is in jeopardy in an emergency.

E.        Generalized Inspections of School Property

The school's interest in generalized inspections is deterrence. Before conducting a suspicionless random inspection of the school lockers, school computers or other electronic devices, school desks, cabinets, and other storage facilities, a written protocol shall be developed outlining the issues being addressed, providing notice to the parents and students of the nature and purpose of the random inspections, and stating the neutral inspection plan including the objective criteria to be used to select students in a manner that assures that the selection process is not subject to the discretion of the administrators.

F.        Automobile Searches

Automobiles on school property or at school sponsored events are subject to search by principals or their designees if such principal or designee has a reasonable suspicion that such automobile search will yield evidence of a violation of school rule or policy, the law, or the presence of drugs, alcohol, weapons, or other substances, images or articles that could be illegal, harmful or dangerous or constitute contraband.

Once reasonable suspicion is established, student consent to search may also be requested, if possible, but failure to give consent, or to retract it once given, does not deter the search based upon reasonable suspicion.

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§8-2        Investigations and Searches (continued)G.        Canine Searches

School officials may utilize canines to aid in the search for contraband on school property such as in school lockers and in automobiles parked on school property or at school-sponsored events. Canines shall not be used to search students. Such canines shall be accompanied by a qualified and authorized trainer who will be responsible for the dogs' actions. A reliable canine which alerts on a particular locker or motor vehicle provides the articulable basis for a reasonable suspicion search.

H.        Metal Detectors

Metal detectors may be used to search a particular student for whom a reasonable suspicion has been established. They may also be used as part of a random suspicionless search of students provided the requirement for a generalized inspection protocol as outlined above is implemented. The Student Code of Rights and Responsibilities should be revised in advance to outline the protocol for the use of metal detectors in generalized inspections.

I.        Consent

School authorities may, but are not required to, ask for permission of the student to conduct a search when they have reasonable suspicion. The student's consent should be given willingly and with knowledge of the meaning of the consent. The student may withdraw the consent at any time during the search. If reasonable suspicion existed at the inception, however, then the search may continue despite the withdrawal of consent. Refusal to consent will not result in disciplinary action, but a refusal to cooperate with a search may result in disciplinary action for the refusal to cooperate.

J.        Plain View

Observing an object in plain view from a public place where the administrator has a right to be is not a search. Examining an object abandoned by a student is not a search.

K.        Video and Surveillance

Bus, hallway and other facility surveillance cameras are not searches.

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§8-2        Investigations and Searches (continued)L.        School Computers and Other School Electronic Devices

Students shall not have a reasonable expectation of privacy in school computers and other school electronic devices.

M.        Chain of Custody.

Effective procedures to preserve the chain of custody of illegal, unauthorized or contraband materials discovered in a search are essential. Illegal items should be seized and turned over to local law enforcement. If that is not possible, then the item should be tagged with identifying information and kept in a locked secure place until retrieved by law enforcement. Other items should be similarly tagged and kept in a locked secure place until no longer needed for the disciplinary proceeding.

N.        Investigations by Law-Enforcement Authorities

Law-enforcement authorities may seek to search a student at school either in response to a request from the school administration or as part of a non-school related investigation. Law-enforcement authorities operate under a different set of procedures than school administrators and must have a valid search warrant to search any person, personal property, or school property under most circumstances. School personnel have a responsibility to ensure that proper procedures are followed with students under their care.

Law-enforcement authorities, including school resource officers, occasionally talk with students at school about a variety of topics, which may include illegal activity in the community or at school. Students suspected of involvement in a crime should be interviewed in the presence of a parent or guardian outside of school time whenever feasible. If a law-enforcement agent feels that it is necessary to conduct an interview at school with a student who is suspected of involvement in a crime, reasonable effort should be made to inform the student's parents and delay the interview until the parents arrive. If the parents cannot be contacted and the interview cannot be delayed, the principal, or designee, shall remain present during the interview.

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§8-2        Investigations and Searches (continued)O.        Refusal of Students to Cooperate with School Investigations

Students are expected to cooperate with school personnel who are investigating violations of the law or school rules. This includes reasonable searches of the person and property of students in accordance with the terms hereof.

Any student who refuses to permit a proper search under the conditions authorized by this policy after having been given a direct order to comply may be subject to assignment to an involuntary transfer or suspension for open defiance of the authority of the principal or designee.

Legal Reference: Section [22.1-279.7](#) of the Code of Virginia

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