File: JFG-R

SEARCH AND SEIZURE

1. School authorities may search a student, student lockers, or student automobiles under the circumstances outlined in Policy JFG, the Code of Student Conduct and these regulations and may seize any illegal, unauthorized, or contraband materials discovered in the search.

2. As used in this regulation, 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 process of the school, or any item described as unauthorized in school rules available beforehand to the student.

3. Random searches, with reasonable suspicion, of student desks, lockers, and automobiles will be conducted by school officials as needed.

4. The scope of any search must be determined by the level of suspicion and the unauthorized item being sought.

5. Students shall receive information in the Code of Student Conduct and in meetings with administration and teachers about searches and the expectation for privacy in various circumstances.

6. Administrators or designees shall tell students that lockers, desks and other storage areas within the school are owned by the school and are accessible for search at any time.

7. Students shall be informed by administrator or designees that the right to search a student goes beyond the school property and that any student attending a school-related activity is subject to search

8. A student's person or personal effects may be searched by school officials if there is a reasonable suspicion to believe that the student has violated the law and may be in possession of an unauthorized item.

9. Personal searches may include the use of metal detectors.

10. Pat-down searches are allowed with a higher level of reasonable suspicion as in Item 8. At pat-down search must be conducted privately by a school official of the same gender as the student and with a witness of the same gender as the student.

11. Strip searches will not be used unless an extremely serious situation exists requiring immediate action and in the context of imminent threat of death or great bodily injury to a person or persons.

12. If a strip search is necessary, the school official should contact the appropriate law enforcement official, and the search should be conducted by a sworn law enforcement officer of the same sex, in the presence of a same sex adult witness.

13. Due to the seriousness of the situation, if a strip search must be conducted by a school official, it must be by a same sex official with a same sex adult witness, and the school official must have the prior approval of the Superintendent or designee, unless the health or safety of the student is endangered by the delay.

14. Parents or guardians shall be notified as soon as possible when any student has been the subject of a personal search.

Automobile Searches

1. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property.

2. Inspection of the interiors of student vehicles will be allowed whenever a school official has reasonable suspicion to believe that the student has violated or is about to violate the law or a school rule 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.

3. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

4. If the interior of a car needs to be searched, the parent or guardian shall be contacted prior to the search, if possible.

5. If the circumstances do not allow for the delay, the parent or guardian shall be contacted as soon as possible regarding the search and the results.

Seizure of Illegal Materials

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

2. The school official shall maintain a record of any materials obtained in a search including any given to the law enforcement officials. The record shall include the name of the student, the circumstances of the search and the disposition of any material.

3. Parents or guardians shall be given a copy of the record of the unauthorized materials obtained in a search.

Computer Searches

1. School officials have the authority to search school computers, software and Internet access records at any time for any reason and without student consent.

Consent Searches

1. If a student gives a school official consent for a search, the school official does not need to demonstrate reasonable suspicion.

2. A student's consent is only valid if given willingly and with knowledge of the meaning of consent.

3. Students should be told of their right to refuse to be searched, and students must not perceive themselves at risk of punishment for refusing to grant permission for the search.

4. School officials shall maintain a record of the explanation of rights for students and when possible, the student shall sign the record indicating agreement.

5. Parents or guardians shall receive a copy of the record of explanation of rights with the student's signature.

Issued: August 17, 2009
Revised: January 10, 2011

Legal References: New Jersey v. T.L.O., 469 U.S. 325 (1985)
Constitution of the United States, Amendment IV
Constitution of Virginia, Article I, section 10
Board of Education Guidelines for Student Searches in Public Schools, (12/21/99)
Code of Virginia, 1950, as amended, section 22.1-279.7.

Cross Reference: IBEA Acceptable Computer System Use