

SEARCH AND SEIZURE

I. GENERALLY

Alexandria City Public Schools (ACPS) is committed to maintaining a safe, welcoming, and friendly environment that fosters a spirit of mutual trust and respect. To promote a positive and productive environment for effective teaching and learning, ACPS encourages an atmosphere that is respectful of individual differences so students can learn and employees can work in a functional and non-threatening atmosphere.

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 guaranteed by the Fourth Amendment to the U.S. Constitution, against the school division's responsibility to protect the health, safety, and welfare of all persons in the school community and to carry out its educational mission.

To maintain order and discipline in the schools and to protect the health, 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 in this policy and may seize any illegal, unauthorized, or contraband materials discovered in the search.

The locations ~~at which~~where searches of students and student property (as described in Section III of this policy) may ~~be conducted~~occur are not limited to ~~the a~~ school building or school property. Searches may be conducted wherever the student is involved in a school-sponsored function~~activity~~.

~~A student's failure to permit searches and seizures as provided in this policy will be considered grounds for disciplinary action.~~

II. DEFINITIONS

Reasonable Suspicion: objective, specific information known by a law enforcement officer or school official that leads them to suspect a person has, or is about to, violate a law or school rule. It is a lower standard than demonstrating probable cause, proof by a preponderance of the evidence, or proof beyond a reasonable doubt.

Search of a "Student's Person" means a search of what a student has on their body, including clothing and any personal effects worn on the body. It may include a pat-down of the student's outer clothing. Searches of a student's person should only be performed by individuals of the same gender. Such searches will not occur in public spaces and will have an adult witness, as discussed in Section III. of this policy.

Student belongings: includes, but is not limited to, backpacks, mobile phones or other electronic devices, purses, jackets, or other personal effects. Searches of student belongings may occur in public spaces, including hallways, etc.

~~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 process of the school, or any item described as unauthorized in school rules available beforehand to the student.

School Official: Generally, the principal or designee is the school official authorized to conduct student searches. The school official should be knowledgeable of the relevant laws, the Student Code of Conduct and this policy, and be trained in proper search techniques. They must also adhere to this policy for random and individualized searches. The administrative procedures that lead to a search should support the least intrusive, most reasonable, and individualized search possible. The school official should respect the individual privacy rights of the individual students.

III. REASONABLE SUSPICION SEARCHES

A. Authority

Generally, law enforcement officers must have a search warrant and “probable cause,” based upon individualized suspicion, before they can legally conduct a search. Even for law enforcement officers, however, these requirements are not absolute. The U.S. Supreme Court has upheld that school officials are **not** required to obtain search warrants or to demonstrate probable cause before they search students in school. One important reason for this is that the role of a school official is significantly different from the role of a law enforcement officer. In scrutinizing whether any search—including one conducted in a public school—is permissible, many factors are weighed. Primary among those factors are (a) the method of searching, (b) the object of the search, and (c) the role of the individual conducting the search. The interaction and weight of each factor generally determines the propriety of the search.

A.B. Personal Searches

A student’s person (including outer clothing) **and/or personal effects** may be searched by a school official whenever the official has **reasonable suspicion** to believe that the student is in possession of illegal or unauthorized materials or has violated or is about to violate the law or a school rule and that the search will yield evidence of the violation.

All individual searches of students must be ~~initiated~~ based on reasonable suspicion, ~~i.e., a moderate chance of finding evidence of wrongdoing.~~ In order to be permissible (i.e., “reasonable” under the Fourth Amendment), the search must be based on individualized suspicion of wrongdoing. This means that the search must be:

1. Justified ~~by reasonable suspicion~~ at its inception; and
2. Reasonably related in scope to the circumstances justifying the search.

In the school environment, ~~An individual a~~ search is constitutionally permissible and “justified at its inception” when a school official has ~~a~~ reasonable suspicion 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 the rules of the school.

A ~~school~~ search is ~~permissible~~—**“reasonable in its scope”** when ~~the measures adopted are it is~~ reasonably related to the objectives of the search and ~~is~~ not excessively intrusive in light of the age and ~~sex~~ gender of the student and the nature of the suspected infraction.

~~A personal search may include requiring a specific student or students to be scanned with a metal detector. General or random use of metal detectors is not covered by this policy.~~

A personal search may include the use of electronic scanning in cases suspecting weapons.

C. Pat-Down Searches

A **“pat-down search”** of a student is when a student is searched by a school official by touching the student while the student is fully clothed. Pat-down searches may **only** be conducted if a school administrator has established a high level of a reasonable suspicion that evidence will be found to corroborate suspicion that a law or school rule has been broken. If a pat-down search of a student's person is conducted, it will be conducted in private by a school official of the same ~~gender~~sex as the student (unless requested otherwise by the student), and with an adult witness of the same ~~gender~~sex as the student present. Pat-down searches do not include a student's private areas. The respect and dignity of the student will be maintained at all times by school officials during the pat-down search.

Every pat-down search will be documented in a manner determined by the Office of Safety and Security Services. The justification for and results of the search must be included in the report, which will be submitted to the principal or designee and shared with the student's parent/guardian in the parent's/guardian's preferred language.

Strip Searches

~~Strip searches, including search of a student's undergarments, involve an extreme intrusion into the rights of a student and may only be conducted when an extremely serious situation exists requiring immediate action because of an imminent threat of death or great bodily injury to a person or persons. If a strip search is deemed 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 gendersex (unless requested otherwise by the student), in the presence of a same gendersex adult witness. School officials may only conduct a strip search in cases where it is necessary to avoid the imminent death or great bodily injury to a person or personthe student or another person, and a law enforcement official is not available in sufficient time. If a strip search must be conducted by a school official, it must be by a school official of the same gendersex as the student (unless requested otherwise by the student), and with an adult~~

~~witness of the same gendersex as the student, and the school official must have the prior approval of the Superintendent or Superintendent's designee, unless the health or safety of the student is endangered by the delay, obtaining that approval would itself imminently threaten death or great bodily injury to a person or persons.~~

D. Vehicle Interiors

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 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.

IV. BLANKET AND RANDOM ADMINISTRATIVE SEARCHES

A. ~~Searches Of~~ Lockers, Desks, ~~a~~And Other School-Provided Storage

Student lockers, desks, and similar school-provided storage facilities are school property and remain at all times under the control of the school; however, students are expected to assume full responsibility for the security of their lockers and are responsible for the content of their assigned lockers at all times. Periodic general inspections of lockers, desks, and similar school-provided storage facilities may be conducted by school authorities for any reason at any time without notice, without student consent, and without a search warrant ~~or requirement of reasonable cause.~~

ACPS reserves the right to use alternative search methods when searching a student's belongings/personal effects or storage. Searches may include the use of electronic scanning in cases suspecting weapons, or canine searches in cases involving illegal contraband.

B. ~~Automobile Searches~~Vehicle Exteriors

~~Students are permitted to park on school premises as a matter of privilege, not of right. Student parking on ACPS property is a privilege, not a right. The school retains authority to conduct routine patrols of student parking lots and inspections of the exteriors of student automobiles on school property. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant or reasonable suspicion of wrongdoing. 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 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. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.~~

C. ~~Searches Of~~ School Computers

~~School computers, software, and internet access are~~ The school computer system, as defined in Policy GAB/IIBEA: *Responsible Computer System Use*, is school property. Students are only authorized to use the school's computers system and other similar educational technology consistent with the educational mission of the school and in accordance with Policy GAB/IIBEA: *Responsible Computer System Use*. School officials may search school computers, software and internet access records at any time for any reason ~~without notice, and~~ without student consent, ~~and without a search warrant or requirement of reasonable suspicion.~~

I.V. CONSENT SEARCHES

~~If a student gives a school official consent for a search of his or her person, personal effects, and/or the interior of his or her vehicle, 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 of consent. Students should be told of their right to refuse to be searched, and a student must not perceive himself or herself at risk of punishment for refusing to grant permission for the search.~~

The Fourth Amendment is not violated if a student knowingly and voluntarily consents to a search. When consent is given, the school official does not need to demonstrate grounds for reasonable suspicion. A student's consent is valid only if given **willingly and with knowledge of the meaning of "consent."** All of the circumstances surrounding the consent determine whether it was knowingly and voluntarily given.

Students will be told of their right to refuse to be searched, and that their refusal will not in itself trigger administrative consequences. Students should demonstrate an awareness of the risk to themselves involved in granting school officials permission to search. Consent searches may be invalid if the student perceives themselves to be at some risk of suspension or other disciplinary action if they do not grant permission for the search.

Even once given, consent may be terminated at any time requiring that the search immediately stop. If the reasonable suspicion standard is met, however, and consent is not obtained, the search may still be conducted.

VI. SEARCHES INVOLVING LAW ENFORCEMENT OR SECURITY OFFICERS

School Resource Officers (SROs) may be present at student searches but do not typically conduct the search. As sworn law enforcement officers, SROs must have probable cause to search an individual student; whereas, school officials are only required to demonstrate reasonable suspicion. Any time the SRO program is in effect within ACPS schools, a Memorandum of Understanding (MOU) between the School Board and the Alexandria Police Department (APD) will define and clarify the role of SROs in conducting searches and seizures.

ACPS employs School Security Officers (SSOs) to perform school security functions who are *not* sworn law enforcement officers. Because an SSO could be the individual who first identifies the need to search, however, they should be trained in appropriate search procedures and knowledgeable of laws and policy that govern student searches.

II.VII. SEIZURE OF ILLEGAL MATERIALS

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

VIII. DATA COLLECTION AND REPORTING

All searches and seizures, including unannounced, random searches, will be documented and the records maintained in accordance with procedures developed by the ACPS Office of Safety and Security Services.

The Superintendent will provide the prior school year’s data reflecting all occurrences of search and seizure for each school in the Division to the School Board annually. The report will include disaggregated, demographic data for the students involved in the searches, as well as the resulting administrative responses or consequences issued in accordance with the Student Code of Conduct, including any referrals to law enforcement. (The report will not include personally identifiable information regarding students.)

As outlined in the current Memorandum of Understanding (MOU) between the Alexandria City School Board and the Alexandria Police Department (APD), any incident in which a law enforcement officer(s) makes official contact with a student(s) will be documented, tracked and reviewed by the Office of Safety and Security Services by using the ACPS Law Enforcement Occurrence Report Form.

- Adopted: December 5, 1996
- Amended: July 6, 2000
- Amended: June 15, 2004
- Amended: July 1, 2005
- Amended: March 12, 2015
- Amended:

- Legal Refs.: *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).
- ~~*Safford Unified School District v. Redding*, 557 U.S. 364 (2009)~~
- Constitution of the United States, Amendment IV.

Constitution of Virginia, Article I, section 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, October 2000).

- Cross Refs.: CLA Reporting Acts of Violence and Substance Abuse
- EGAA Reproduction and Use of Copyrighted Materials
- GAB/IIBEA Responsible Computer System Use
- JFC Student Conduct
- JFC-R Standards of Student Conduct

JFCD	Weapons in School
JFCF	Drugs in School
KNAJ	Relations with Law Enforcement Authorities

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