

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 productive learning environment, 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 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 and may seize any illegal, unauthorized, or contraband materials discovered in the search.

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

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 be conducted wherever the student is involved in a school-sponsored function.

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.

Student belongings includes, but is not limited to, backpacks, mobile phones or other electronic devices, purses, jackets, or other personal effects.

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. “Student belongings” includes, but is not limited to, backpacks, mobile phones or other electronic devices, purses, jackets, or other personal effects.

III. 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

Comment [JA1]: Do we collect data on the incidence of searches/seizures, the types, the demographics of the students involved, the outcomes, the impact on discipline/suspension/expulsion rates, etc.? If so, how is it being analyzed and by whom? Are such incidences captured in incident reports? What about unannounced, random searches? How is this information and its effectiveness captured? Is this information publicly available?

Comment [2]: I would add to this paragraph by saying similar: ACPS reserves the right to use alternative search methods in these cases. Searches may include the use of electronic scanning in cases suspecting weapons, or canine searches in cases involving illegal contraband.

Comment [3]: ...including and up to....

Comment [4]: Where else would the searches take place if it is a personal search? Should this be more specific to what it includes? Is there a designated place it should occur? Reassure this may not happen in the middle of a hallway, etc... privacy.

Wording reasonable suspicion should be maintained for administration.

Pat down of outer clothing, check a backpack don't need a private room.

How do we define reasonable suspicion? Define!
Add the law that gives us the right to search through reasonable suspicion to the policy?

How do we ensure profiling through the reasonable suspicion? Must define what reasonable suspicion includes!

Data collection on the back end and how often are we reviewing the data? This will help determine if the policy is rendering profiling.

Are we eliminate the word "discipline" in response to VDOE changes.

Do we need to include strip searches? That is typically left to law enforcement?

Comment [5]: Just wanted to put searches in perspective. If we have to define what "personal effects" and "student's person" then we should do so. They are actually different. A student's person can be what they are actually wearing (what do they have on them). Most law enforcement policies state that searches of a person (not personal effects) should only be done by individuals of same sex/gender. We can similar. A search of a person's personal effects does not fall under this same thought. Same or include in "pat downs" below.

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, the search must be:

1. Justified ~~by reasonable suspicion~~ 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 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 pat-down search of a student 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. The respect and dignity of the student will be maintained at all times by school officials during the pat-down search.

Comment [6]: Metal detectors as part of the policy should be removed since we do not use them?

Comment [7]: ...Clarify where pat downs happen. NOT in the private parts, but the arms, legs, ankles, high waist, etc...

By someone trained to do so??? Administrator only?

Does this apply to students with disabilities? Will be clear for student w/ disabilities. Thinking about kids with trauma and touched? Something to think about.

Comment [8]: Is there any case law available for guidance?

Comment [JA9]: Most of this policy is statutory; however, the School Board has the authority to prohibit the use of strip searches by school personnel altogether. This should be thoroughly considered. If it is prohibited, it should delete this paragraph.

Not done by ACPS; only APD. Be clear on that.

Comment [10]: Should the first thing here be that they need to consult with the superintendent or designee first before calling law enforcement?

H.IV. 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 gender~~sex~~ (unless requested otherwise by the student), in the presence of a same gender~~sex~~ 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 persons~~ the 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 gender~~sex~~ as the student (unless requested otherwise by the student), and with an adult witness of the same gender~~sex~~ 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.~~

III.V. Searches of Lockers, Desks, 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.~~

Comment [JA11]: Should this be included in the Student Code of Conduct? It does not appear to be there now and students should be made aware of this policy.

IV.VI. Automobile Searches

Students are permitted to park on school premises as a matter of privilege, not of 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.

V.VII. 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.~~

VI.VIII. 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~~s must not perceive themselves to be himself or herself at risk of punishment for refusing to grant permission for the search.

Comment [12]: Does parent consent play a role in "consent" when we are speaking of minors? How do we factor in "consent" in light of disability status?

Comment [13]: Good question in reference to a student with a disability, how would this apply?

Comment [14]: I would recommend that searches apply to all students, staff and visitors. We do not want to get parents involved. All ACPS searches will be administrative in nature, which should not require parent permission. This changes if the search reveals a criminal offense, and that procedure is followed.

Comment [JA15]: Should a student be able to contact a parent prior to consenting to a search?

Comment [JA16]: This process per the APD MOU should be included here.

VII.IX. 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.

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