

SEARCH AND SEIZURE

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 balancing 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 in this policy and may seize any illegal, unauthorized, or contraband materials discovered in the search.

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

DEFINITIONS

Reasonable Suspicion of violation of school rules: A belief based upon objective facts which lead a school official to reasonably suspect that a school rule has been broken or is about to be committed. A reasonable suspicion must be based on the totality of the circumstances, including the school official's knowledge, training and experience. A reasonable suspicion does not exist unless the school official can articulate the objective factual basis for the school official's belief.

Reasonable Suspicion of a crime: A belief based upon objective facts which lead a law enforcement officer to reasonably suspect that a crime has been committed, is being committed, or is about to be committed. A reasonable suspicion must be based on the totality of the circumstances, including the officer's knowledge, training and experience. A reasonable suspicion does not exist unless the officer can articulate the objective factual basis for the officer's belief.

NOTE: Reasonable suspicion 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.

Student belongings: include, but are not limited to, backpacks, mobile phones or other electronic devices, purses, jackets, or other personal effects.

Unauthorized: An item is unauthorized if it is dangerous to the health or safety of students or school personnel, or disruptive of any function or process of the Division, or any item described as unauthorized in ACPS policies, regulations, and/or school rules.

49
50 School Official: For the purposes of this Policy, a school official is any employee of the Division
51 that is authorized to conduct searches of students.

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53 Private Areas: The genitalia, anus, groin, breast, or buttocks of any person.

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55 Contraband: All substances and materials in which students are prohibited from possessing on
56 school grounds by division policy and/or law.

57
58 **REASONABLE SUSPICION SEARCHES**

59
60 Personal Searches

61
62 A student's person (including outer clothing) and/or personal effects may be searched by and
63 ACPS administrator whenever the administrator has reasonable suspicion to believe that the
64 student is in possession of illegal or unauthorized materials or has violated or is about to violate
65 the law or a school rule and that the search will yield evidence of the violation.

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67 All individual searches of students must be based on reasonable suspicion. , The search must
68 be justified at its inception and reasonably related in scope to the circumstances justifying the
69 search.

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71 In the school environment, a search is constitutionally permissible and justified at its inception
72 when a school official has reasonable grounds, based on the totality of the known
73 circumstances, for suspecting that the search will reveal evidence that the student has violated
74 or is violating either the law or the rules of the school.

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76 A search is "reasonable in scope" when it is reasonably related to the objectives of the search
77 and is not excessively intrusive in light of the age and gender of the student and the nature of
78 the suspected infraction.

79
80 A personal search may include the use of electronic scanning.

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82 Pat-Down Searches

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

93
94 Strip searches involve an extreme intrusion into the rights of a student and may only be
95 conducted when an extremely serious situation exists requiring immediate action because of
96 an imminent threat of death or great bodily injury to a person or persons. If a strip search is

97 necessary the school official should contact the appropriate law enforcement official, and the
 98 search should be conducted by a sworn law enforcement officer of the same gender, in the
 99 presence of a same gender adult witness, unless otherwise requested by the student. School
 100 officials may only conduct a strip search in cases where it is necessary to avoid the imminent
 101 threat of death or great bodily injury to the student or another person. If a strip search must be
 102 conducted by a school official, it must be by a same gender official with a same gender adult
 103 witness, unless otherwise requested by the student, and the school official must have the prior
 104 approval of the superintendent or superintendent's designee, unless the health or safety of a
 105 student or other individual would be endangered by the delay.

106
 107 Every pat-down and/or strip search will be documented in a manner determined by the Office
 108 of Safety and Security Services. The justification for and results of the search must be included
 109 in the report, which will be submitted to the principal or designee and shared with the student's
 110 parent/legal guardian in the parent's/legal guardian's preferred language.

111 112 Vehicle Interiors

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 114 The interiors of student vehicles may be inspected whenever a school official has reasonable
 115 suspicion to believe that the student has violated or is about to violate the law or a school rule
 116 and that the search will yield evidence of the violation, or that illegal or unauthorized materials
 117 or other evidence of illegal or otherwise prohibited activities are contained inside the
 118 automobile.

119 120 **BLANKET AND RANDOM ADMINISTRATIVE SEARCHES**

121 122 Lockers, Desks, and Other School-Provided Storage

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

130 131 Vehicle Searches

132
 133 School parking lots are ACPS property and all school rules and ACPS policies apply to parking
 134 lots.

135
 136 Student parking on ACPS property is a privilege, not a right. The school retains authority to
 137 conduct routine patrols of student parking lots and inspections of the exteriors of student
 138 automobiles on school property. The interiors of student vehicles may be inspected whenever
 139 a school official has reasonable suspicion to believe that the student has violated or is about to
 140 violate the law or a school rule and that the search will yield evidence of the violation, or that
 141 illegal or unauthorized materials or other evidence of illegal or otherwise prohibited activities
 142 are contained inside the automobile. Such patrols and inspections may be conducted without
 143 notice, without student consent and without a search warrant. Such patrols and inspections
 144 may be conducted without notice, without student consent, and without a search warrant.

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School Computers

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 computer system and other similar educational technology consistent with the educational mission of the school and in accordance with Policy GAB/IIBEA. School officials may search school computers, software and internet access records at any time for any reason and without student consent.

Weapons Abatement

The process in which technology, equipment and/or staff are used to proactively prevent weapons from entering a school facility.

CONSENT SEARCHES

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.

Students will be told of their right to refuse to be searched, and that their refusal will not in itself trigger administrative consequences.

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 or has been withdrawn, the search may still be conducted.

SEARCHES INVOLVING LAW ENFORCEMENT

School Resource Officers (SROs) may be present at student searches. Any searches conducted by SROs must occur in accordance with the Memorandum of Understanding (MOU) between the Alexandria City School Board and the Alexandria Police Department (APD).

TRAINING

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.

Each school principal must maintain a list of school officials who have been authorized to conduct student searches.

SEIZURE OF ILLEGAL MATERIALS

193 If a properly conducted search yields illegal or contraband materials, such items are turned over to
194 the proper legal authorities for ultimate disposition.

195
196 **DATA COLLECTION AND REPORTING**

197
198 All searches and seizures, including unannounced, random searches, will be documented and the
199 records maintained in accordance with procedures developed by the ACPS Office of Safety and
200 Security Services.

201
202 The Superintendent will provide the prior school year’s data reflecting all occurrences of search
203 and seizure for each school in the Division to the Board annually. The report will include non-
204 identifiable, disaggregated, demographic data for the students involved in the searches, including
205 any referrals to law enforcement.

206
207 All contact between law enforcement officers and ACPS students under this policy will be
208 conducted in accordance with the Memorandum of Understanding (MOU).

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210
211 Adopted: December 5, 1996
212 Amended: July 6, 2000
213 Amended: June 15, 2004
214 Amended: July 1, 2005
215 Amended: March 12, 2015
216 Amended: December 16, 2021

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219 Legal Refs.: *New Jersey v. T.L.O.*, 469 U.S. 325 (1985).
220
221 Constitution of the United States, Amendment IV.
222
223 Constitution of Virginia, Article I, section 10.
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225 Code of Virginia, 1950, as amended, §§ 18.2-67.10, 22.1-279.7, 22.1-280.2:3.
226
227 *Virginia School Search Resource Guide* (Virginia Department of Education,
228 October 2000).

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230 Cross Refs.: CLA Reporting Acts of Violence and Substance Abuse
231 EGAA Reproduction and Use of Copyrighted Materials
232 GAB/IIBEA Responsible Computer System Use
233 JFC Student Conduct
234 JFCD Weapons in School
235 JFCF/JFCI Alcohol and Other Drugs (AOD) in Schools
236 KNAJ Relations with Law Enforcement Authorities

SEARCH AND SEIZURE

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 balancing 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 in this policy and may seize any illegal, unauthorized, or contraband materials discovered in the search.

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

DEFINITIONS

Reasonable Suspicion of violation of school rules: A belief based upon objective facts which lead a school official to reasonably suspect that a school rule has been broken or is about to be committed. A reasonable suspicion must be based on the totality of the circumstances, including the school official’s knowledge, training and experience. A reasonable suspicion does not exist unless the school official can articulate the objective factual basis for the school official’s belief. ~~objective, specific information known by a law enforcement officer or school official that leads them to reasonably 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.~~

Reasonable Suspicion of a crime: A belief based upon objective facts which lead a law enforcement officer to reasonably suspect that a crime has been committed, is being committed, or is about to be committed. A reasonable suspicion must be based on the totality of the circumstances, including the officer’s knowledge, training and experience. A reasonable suspicion does not exist unless the officer can articulate the objective factual basis for the officer’s belief.

NOTE: Reasonable suspicion 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~~

- Commented [1]: no definitions in model policy
- Commented [2]: Agreed, nor is it necessary. I don't have any objection to including definitions but we need to be careful with how these are worded.
- Commented [3]: I would recommend that we keep definitions and ensure they align with Code of VA.

Commented [4]: @robert.falconi@acps.k12.va.us Is there any concern about the student's age in performing searches.
Assigned to robert.falconi@acps.k12.va.us_

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

Commented [5]: I don't like the use of "etc." in policies generally.

~~“Unauthorized:” An item is unauthorized if it is 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 Division school, or any item described as unauthorized in ACPS policies, regulations, and/or school rules available beforehand to the student.~~

~~School Official: For the purposes of this Policy, a school official is any employee of the Division that is authorized to conduct searches of students. 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.~~

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~~Private Areas: The genitalia, anus, groin, breast, or buttocks of any person. Need definition~~

~~Contraband: All substances and materials in which students are prohibited from possessing on school grounds by division policy and/or law.~~

REASONABLE SUSPICION SEARCHES

Personal Searches

A student’s person (including outer clothing) and/or personal effects may be searched by ~~and ACPS administrator a school official~~ whenever the ~~administrator 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.

Commented [7]: no model policy

All individual searches of students must be based on reasonable suspicion. ~~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:~~

Commented [8]: Not in model policy, recommend deletion, we've already covered this.

- ~~1. j~~ justified at its inception; and
- ~~2. r~~ reasonably related in scope to the circumstances justifying the search.

Commented [9]: not in model policy

In the school environment, a search is constitutionally permissible and “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 the rules of the school.

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 of the student and the nature of the suspected infraction.

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

Pat-Down Searches

A "pat-down search" of a student is when a student is searched by a trained 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 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 as the student (unless requested otherwise by the student), and with an adult witness of the same gender as the student present. Pat-down searches do not include any part of the body that is typically considered 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.

Strip searches 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 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, in the presence of a same gender adult witness, unless otherwise requested by the student. School officials may only conduct a strip search in cases where it is necessary to avoid the imminent threat of death or great bodily injury to the student or another person. If a strip search must be conducted by a school official, it must be by a same gender official with a same gender adult witness, unless otherwise requested by the student, and the school official must have the prior approval of the superintendent or superintendent's designee, unless the health or safety of a student or other individual would be endangered by the delay.

Every pat-down and/or strip 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/legal guardian in the parent's/legal guardian's preferred language.

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.

BLANKET AND RANDOM ADMINISTRATIVE SEARCHES

Lockers, Desks, and Other School-Provided Storage

Commented [10]: This sentence/phrase reads as if referring to a search using a handheld wand. I agree, not sure we have to get into detail why a school official would use a wand (not sure). To be clear, Safety & Security Services does not have a procedure in place for use of wands. Our weapons abatement screening procedure describes the process for high throughput/high volume screening (versus search) via the use of electronic weapon screening technology. Our procedure applies to all staff, students, and visitors division-wide.

Commented [11]: Not a separate section in the model policy, would be inclined to delete here and combine this with the personal search section as well.

Commented [12]: It says "sex" in the model policy, not gender. I don't object to this language, but wanted to point it out.

Commented [13]: not in model policy

Commented [14]: There is a section in the model policy on "strip searches," which covers this situation, I think. I've tweaked this to incorporate the model policy language some.

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

151
152 Vehicle SearchesExteriors

153
154 School parking lots are ACPS property and all school rules and ACPS policies apply to parking
155 lots.

156
157 Student parking on ACPS property is a privilege, not a right. The school retains authority to
158 conduct routine patrols of student parking lots and inspections of the exteriors of student
159 automobiles on school property. The interiors of student vehicles may be inspected whenever
160 a school official has reasonable suspicion to believe that the student has violated or is about to
161 violate the law or a school rule and that the search will yield evidence of the violation, or that
162 illegal or unauthorized materials or other evidence of illegal or otherwise prohibited activities
163 are contained inside the automobile. Such patrols and inspections may be conducted without
164 notice, without student consent and without a search warrant. Such patrols and inspections
165 may be conducted without notice, without student consent, and without a search warrant.

166
167 School Computers

168
169 The school computer system, as defined in Policy GAB/IIBEA: *Responsible Computer System*
170 *Use*, is school property. Students are only authorized to use the school’s computer system and
171 other similar educational technology consistent with the educational mission of the school and
172 in accordance with Policy GAB/IIBEA. School officials may search school computers,
173 software and internet access records at any time for any reason and without student consent.

174
175 Weapons Abatement

176
177 Describe process The process in which technology, equipment and/or staff are used to proactively
178 prevent weapons from entering a school facility.

179
180 **CONSENT SEARCHES**

181
182 The Fourth Amendment is not violated if a student knowingly and voluntarily consents to a search.
183 When consent is given, the school official does not need to demonstrate grounds for reasonable
184 suspicion. A student’s consent is valid only if given willingly and with knowledge of the meaning
185 of “consent.” All of the circumstances surrounding the consent determine whether it was
186 knowingly and voluntarily given.

187
188 Students will be told of their right to refuse to be searched, and that their refusal will not in itself
189 trigger administrative consequences.
190 Students should demonstrate an awareness of the risk to themselves involved in granting school
191 officials permission to search. Consent searches may be invalid if the student perceives themself

Commented [16]: not in model policy

Commented [17]: not in model policy

to be at some risk of suspension or other disciplinary action if they do not grant permission for the search.

Commented [18]: Not in the model policy.

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 or has been withdrawn, the search may still be conducted.

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Commented [20]: I have no objection to keeping it this language.

SEARCHES INVOLVING LAW ENFORCEMENT OR SECURITY OFFICERS

School Resource Officers (SROs) may be present at student searches. Any searches conducted by SROs must occur in accordance with the law 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 Alexandria City School Board and the Alexandria Police Department (APD) will define and clarify the role of SROs in conducting searches and seizures.

TRAINING

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.

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Each school principal must maintain a list of school officials who have been authorized to conduct student searches.

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.

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SEIZURE OF ILLEGAL MATERIALS

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

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 non-identifiable, 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

240 ~~personally identifiable information regarding students.)~~

241
242 ~~As outlined in the current Memorandum of Understanding (MOU) between the Alexandria City~~
243 ~~School Board and the Alexandria Police Department (APD), any incident in which a law~~
244 ~~enforcement officer(s) makes official contact with a student(s) will be documented, tracked and~~
245 ~~reviewed by the Office of Safety and Security Services by using the ACPS Law Enforcement~~
246 ~~Occurrence Report Form. All contact between law enforcement officers and ACPS students under~~
247 ~~this policy will be conducted in accordance with the Memorandum of Understanding (MOU).~~

Commented [26]: not in model policy

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250 Adopted: December 5, 1996
251 Amended: July 6, 2000
252 Amended: June 15, 2004
253 Amended: July 1, 2005
254 Amended: March 12, 2015
255 Amended: December 16, 2021

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

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260 Constitution of the United States, Amendment IV.

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262 Constitution of Virginia, Article I, section 10.

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264 Code of Virginia, 1950, as amended, §§ [18.2-67.10](#), 22.1-279.7, 22.1-280.2:3.

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