

## SEARCH AND SEIZURE

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.

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.

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.

### PERSONAL SEARCHES

A student's person and/or personal effects (e.g. purse, book bag, etc.) may be searched by a school official whenever the 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.

All individual searches of students must be based on reasonable suspicion. In order to be permissible, the search must be:

1. justified 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 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 sex of the student and the nature of the suspected infraction.

A personal search may include requiring a student to be scanned with a metal detector.

A pat down search of a student 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 sex and with an adult witness of the same sex present.

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 sex, in the presence of a same sex adult witness. 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 sex official with a same sex adult witness, 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.

#### LOCKER AND DESK SEARCHES

Student lockers and desks 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 locker at all times. Periodic general inspections of lockers and desks may be conducted by school authorities for any reason at any time without notice, without student consent and without a search warrant.

#### 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. 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.

#### COMPUTER SEARCHES

School computers, software and internet access are school property. Students are only authorized to use school computers and other similar educational technology consistent with the educational mission of the school and in accordance with Policy IIBEA Acceptable Computer System Use. School officials may search school computers, software and internet access records at any time for any reason and without student consent.

## CONSENT SEARCHES

If a student gives a school official consent for a search 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 students must not perceive himself at risk of punishment for refusing to grant permission for the search.

## 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: June 27, 1995

Revised: June, 2000

Adopted: May 25, 2005

Revised: December 18, 2014

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Legal Refs.: New Jersey v. T.L.O., 469 U.S. 325 (1985).  
U.S. Const. amend IV.  
Va. Const. art.I, § 10.  
Code of Virginia, 1950, as amended, § 22.1-279.7.  
Virginia School Search Resource Guide (Virginia Department of Education Oct. 2000).

Cross Ref.: CLA Reporting Acts of Violence and Substance Abuse  
EGAA Reproduction and Use of Copyrighted Materials  
GAB/IIBEA Acceptable 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

**Dickenson County Schools  
Drug Search Policy**

**WHEREAS**, the Dickenson County School Board determines that maintaining a drug free school system is vital to the welfare of its students and the pursuit of a quality education: and

**WHEREAS**, it is necessary to search property and people from time to time in order to assure a drug free school system; and

**WHEREAS**, the Dickenson County School System stands in loco parentis to the students who attend the school system during times that students are in school or at school sponsored activities.

**NOW THEREFORE**, the Dickenson County School Board declares its search policy to be as follows:

1. The Dickenson County School System declares that it maintains ultimate control of its property and it shall search said property, whether assigned to students or employees, such as lockers and desks and any other property provided for the individual use of students or employees, at such time or time and under whatever conditions its deems such search necessary.
2. The Dickenson County School System reserves the right to search any student that it has reason to believe may be in possession of any scheduled substance, any drug paraphernalia or contraband of any illegal activity while said students are at school or attending school sponsored functions. Such search shall be the least intrusive search reasonable under the circumstances, but the system reserves the right to do strip searches where reasonably necessary. Same sex staff only will do strip searches, under circumstances designed to assure the students privacy, except such invasion of privacy as is necessary to carry out the search.
3. The Dickenson County School system reserves the right to search any vehicles brought onto school property at any time it deems the same necessary, and each student or employee bringing a vehicle onto school property is deemed to consent to said search.
4. It may be necessary for the school system to work in conjunction with law enforcement officials on school premises from time to time, including the use of trained animals to search for the presence of drugs. The Dickenson County School System shall have the same rights in such situation to search property belonging to the school system as it otherwise has. Searches of persons, whether employees or students, under such circumstances shall be done by said law enforcement officials, and they shall be bound by such rules of law, as from time to time may exist, in legally conducting said search of persons.
5. A copy of this policy shall be included in the Student Conduct Policy and provided to each student enrolled in the system to take to his or her parents.

Adopted: June 17, 2002