

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 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.

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: include, 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.

"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

49 conduct student searches. The school official should be knowledgeable of the relevant
 50 laws, the Student Code of Conduct and this policy, and be trained in proper search
 51 techniques. They must also adhere to this policy for random and individualized searches.
 52 The administrative procedures that lead to a search should support the least intrusive,
 53 most reasonable, and individualized search possible. The school official should respect
 54 the individual privacy rights of the individual students.

56 III. REASONABLE SUSPICION SEARCHES

58 A. Authority

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

73 B. Personal Searches

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

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 80 All individual searches of students must be based on reasonable suspicion. In
 81 order to be permissible (i.e., “reasonable” under the Fourth Amendment), the
 82 search must be based on individualized suspicion of wrongdoing. This means that
 83 the search must be:

- 84 1. Justified at its inception; and
- 85 2. Reasonably related in scope to the circumstances justifying the search.

86
 87 In the school environment, a search is constitutionally permissible and “**justified**
 88 **at its inception**” when a school official has reasonable grounds, based on the
 89 totality of the known circumstances, for suspecting that the search will reveal
 90 evidence that the student has violated or is violating either the law or the rules of
 91 the school.

92
 93 A search is “**reasonable in scope**” when it is reasonably related to the objectives
 94 of the search and is not excessively intrusive in light of the age and gender of the
 95 student and the nature of the suspected infraction.

96
97 A personal search may include the use of electronic scanning in cases suspecting
98 weapons.
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100 C. Pat-Down Searches

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102 A “**pat-down search**” of a student is when a student is searched by a school
103 official by touching the student while the student is fully clothed. Pat-down
104 searches may **only** be conducted if a school administrator has established a **high**
105 level of reasonable suspicion that evidence will be found to corroborate suspicion
106 that a law or school rule has been broken. If a pat-down search of a student's
107 person is conducted, it will be conducted in private by a school official of the
108 same gender as the student (unless requested otherwise by the student), and with
109 an adult witness of the same gender as the student present. Pat-down searches **do**
110 **not** include a student’s private areas. The respect and dignity of the student will
111 be maintained at all times by school officials during the pat-down search.
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113 Every pat-down search will be documented in a manner determined by the Office
114 of Safety and Security Services. The justification for and results of the search
115 must be included in the report, which will be submitted to the principal or
116 designee and shared with the student’s parent/guardian in the parent’s/guardian’s
117 preferred language.
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119 D. Vehicle Interiors

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121 The interiors of student vehicles may be inspected whenever a school official has
122 reasonable suspicion to believe that the student has violated or is about to violate
123 the law or a school rule and that the search will yield evidence of the violation, or
124 that illegal or unauthorized materials or other evidence of illegal or otherwise
125 prohibited activities are contained inside the automobile.
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127 IV. BLANKET AND RANDOM ADMINISTRATIVE SEARCHES

128 A. Lockers, Desks, and Other School-Provided Storage

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130 Student lockers, desks, and similar school-provided storage facilities are school
131 property and remain at all times under the control of the school; however, students
132 are expected to assume full responsibility for the security of their lockers and are
133 responsible for the content of their assigned lockers at all times. Periodic general
134 inspections of lockers, desks, and similar school-provided storage facilities may
135 be conducted by school authorities for any reason at any time without notice,
136 without student consent, and without a search warrant.
137

138 ACPS reserves the right to use alternative search methods when searching a
139 student’s belongings/personal effects or storage. Searches may include the use of
140 electronic scanning in cases suspecting weapons, or canine searches in cases
141 involving illegal contraband.
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143 B. Vehicle Exteriors

144 Student parking on ACPS property is a privilege, not a right. The school retains
 145 authority to conduct routine patrols of student parking lots and inspections of the
 146 exteriors of student automobiles on school property. Such patrols and inspections
 147 may be conducted without notice, without student consent, and without a search
 148 warrant.

149 C. School Computers

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

156 V. CONSENT SEARCHES

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

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

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

170 VI. SEARCHES INVOLVING LAW ENFORCEMENT OR SECURITY OFFICERS

171
 172 School Resource Officers (SROs) may be present at student searches but do not typically
 173 conduct the search. As sworn law enforcement officers, SROs must have probable cause
 174 to search an individual student; whereas, school officials are only required to demonstrate
 175 reasonable suspicion. Any time the SRO program is in effect within ACPS schools, a
 176 Memorandum of Understanding (MOU) between the School Board and the Alexandria
 177 Police Department (APD) will define and clarify the role of SROs in conducting searches
 178 and seizures.

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

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VII. 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.

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: December 16, 2021

- Legal Refs.: *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.
- 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
- JFCD Weapons in School

232	JFCF/JFCI	Alcohol and Other Drugs (AOD) in Schools
233	KNAJ	Relations with Law Enforcement Authorities