

VIRGINIA SCHOOL FOR THE DEAF AND THE BLIND

Title: Search and Seizure

Policy Number: S055

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Policy Statement:

To maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, school administration are authorized to search a student, student lockers, student residence hall rooms, or student vehicles 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. Such searches and seizures may take place at any time on school grounds, in residence hall rooms, aboard school buses, on school contracted charter buses including luggage compartments, or at school bus stops. Under exigent circumstances, such searches and seizures may also occur on field trips or at other school-sponsored activities that take place off school grounds.

The VSDB school administration retains control over lockers and desk space loaned to students, residence hall rooms, and regulates admission and parking of vehicles on school grounds. For the purposes as established by this policy, school administration is defined as the Superintendent, principal, assistant principal, certified school security officers, residential program management/supervision and other school officials designated by school Superintendent. School administrative officials have the right and duty to search students’ lockers and desks, residence hall rooms, and all vehicles located on school property, if school officials have a reasonable suspicion based upon information received from police or otherwise reliable sources, about drugs, weapons, or dangerous, illegal, unauthorized, or prohibited materials or goods stolen.

In exercising of the school’s duty to protect the health and safety of its students and staff, the VSDB administrators have the right and duty to search a student’s person if they have a reasonable suspicion that drugs, weapons, or illegal or unauthorized materials are likely to be found on the student’s person. The results of such search may be turned over to the police for inspection and examination and may be the subject of criminal or juvenile court prosecution or school disciplinary proceedings. A student's failure to permit searches and seizures as provided in this policy are considered grounds for disciplinary action. If a student refuses to cooperate with the search, he may be detained in the presence of one or more school officials until a parent or legal guardian can be contacted. If the parent(s) refuses to cooperate, police may be contacted. School officials at all times retain the discretion to decide whether to detain or question a student suspected of being in possession of any drugs, weapons, or illegal or unauthorized materials as per Virginia Code.

Procedure:

Student Searches

A student and his personal effects, including but not limited to book bags, purses, backpacks, clothing, etc., may be searched whenever school officials have a reasonable suspicion to believe that the student may be in possession of drugs, weapons, or illegal or unauthorized materials, or an item imminently dangerous to the student or others.

The personal search may consist of a pat-down of the student, scanning the student with a metal detector, or requiring the student to partially remove clothing, such as jackets, gloves, vests, and head coverings, consistent with current legal requirements. Personal searches do not extend to strip searches or cavity searches. The search is conducted in private by a minimum of two school officials, preferably of the same sex as the student, and only upon the prior approval of the Superintendent or designee, unless the health or safety of students will be endangered by the delay. This requirement does not extend to searches of the student's personal effects. A pat down of a student **MUST** be conducted by an administrator of the same sex as the student.

Locker Searches

Student lockers are school property and remain at all times under the authority of the school; however, students are expected to assume full responsibility for the security of their lockers. Periodic general inspections of lockers may be conducted by school officials for any reason at any time without notice or reasonable suspicion, without student consent, or without a search warrant.

Room Searches

A VSDB administrator may enter and inspect any room to ensure the health and fire safety of students and personnel, and that the VSDB's regulations are maintained. This may be done on a monthly basis or when there is just cause to believe that the student(s) is in serious physical or psychological distress.

Emergency Entry

The VSDB officials may, without verbal or written authorization from a supervisor or higher authority, enter a student's room forcibly, if necessary, in cases of fire, bomb threats, attempted or suspected suicide, or other situations which call for the immediate entry in the interest of the safety and security for the students, staff, guests, and the building structure.

Vehicle Searches

Authorized student parking on school premises is a matter of privilege, not of right. The VSDB maintains regulations regarding parking on school property. The School administrators retain authority to conduct routine patrols of parking lots and inspections of the exteriors of student vehicles on school property. The interiors of student vehicles may be inspected whenever a school administrator has a reasonable suspicion to believe that illegal or unauthorized materials are contained inside the vehicle. Such patrols and inspections may be conducted without notice, without student consent, or without a search warrant as permitted by law.

Computer Searches

As permitted by law, school officials have the right to search, access or otherwise review all computer, communication devices and/or Internet usage, on school-owned or student-owned computers, without notice, student consent, or without a search warrant.

Other Searches

To the extent permitted by law, school officials are authorized to conduct general searches on school property. Such searches may utilize metal detectors, surveillance cameras, or other devices. In addition, school officials may exercise their discretion to decide whether to require assistance by police in conducting such searches or in investigating any crime contrary to the laws of the Commonwealth of Virginia, including but not limited to crimes committed in school buildings, or residential hall rooms, on school grounds, during school hours or during school-sponsored activities occurring before or after school hours.

Seizure of Illegal Materials

If a properly conducted search yields illegal or contraband materials, such findings are turned over to the VSDB Campus Police or other proper legal authorities for ultimate disposition. The VSDB Campus Police will enter all such contraband into the evidence log and retain the chain of custody, regardless of whether the evidence will be used in the VSDB school disciplinary process or for criminal prosecution. VSDB Campus Police will only dispose of any evidence in accordance with code requirements and regulations.

Investigations

School administrators have the authority and affirmative duty to interview students in investigating violations of School policies, crimes, or reports thereof, committed on school property, including dormitory rooms, aboard school buses, on school contracted charter buses, or at school bus stops. Investigations extend to reports of the presence of drugs, weapons, illegal or unauthorized materials in the school building or on school grounds. School administrators may conduct an investigation independent of any being conducted by police or other law enforcement agencies, but will cooperate to the fullest extent possible with the law enforcement agency.

Whenever a VSDB administrator requests assistance, a police officer may conduct an investigation within the school building, dormitory room, or upon school grounds and interview students as possible witnesses. Interviews are held in the Superintendent's or designee's office. Reasonable attempts are made to maintain in confidence the identity of those interviewed. The Superintendent or designee is present during the interview(s). The Superintendent or designee notifies the parent/guardian of the student prior to any interview or interrogation by the police. In the event that the Superintendent or designee is requested by the police not to notify the student's parent/guardian, the Superintendent or designee shall then notify the appropriate representative within the Virginia Department of Education (if the matter is related to the education program) and/or the Virginia Department of Behavioral Health and Developmental Services.

Rescission:	SO55 – Student Searches, combines Policies SO18 – Student Searches, SR90 – Student Searches & SR95 – Search and Seizure – School Property Revised April 2, 2015 BOV Approved: 4/6/16
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