

SEARCH, SEIZURE, AND INVESTIGATION

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 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 or other students 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. School officials will develop regulations regarding parking on the school's property. 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 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 IIBE. 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 consent. Students must 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.

Investigations in Schools

School administrators have the duty to interview students in investigating violations of School Board policies, crimes, or reports thereof, committed during school hours, school-sponsored activities or on school property, or in investigating reports of the presence of drugs, weapons, illegal or unauthorized materials in the school building or on school grounds. As soon as a crime is suspected, the school administrator must contact the police to report the situation and to avoid interfering with police procedures. School administrators may not conduct an investigation independent of any being conducted by police or other law enforcement agencies, and but will cooperate to the fullest extent possible with the law enforcement agency.

Whenever a school principal or other authorized school official requests assistance, a police officer may conduct an investigation within the school building and upon school grounds and interview students as possible witnesses in school during the day. Interviews shall be held in the principal's or other administrative office, and reasonable attempts shall be made to maintain in confidence the identity of those interviewed. The principal or his/her designee shall be present during the interview(s).

It shall be the policy of the School Division to notify the parent/guardian of the student prior to any interview or interrogation by the police. In the event that the principal is requested by the police not to notify the student's parent/guardian, the principal shall immediately notify the Division Superintendent and the School Division's legal counsel of this request.

Adopted: July 1, 1993
 Amended: December 8, 1997; December 11, 2003; January 22, 2015
 Reviewed: October 22, 2009

Legal Ref.: New Jersey v. T.L.O., 469 U.S. 325 (1985)
 Constitution of the United States, Amendment IV
 Constitution of Virginia, Article 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
 IIBE, Acceptable Use of Technology
 JFC, Student Conduct
 JFCD, Weapons in School
 JFCF, Drugs in School
 JFGA, Police Authorities

**MEMORANDUM OF UNDERSTANDING BETWEEN THE COUNTY OF ALBEMARLE, VIRGINIA
AND THE COUNTY SCHOOL BOARD OF ALBEMARLE COUNTY, VIRGINIA**

THIS MEMORANDUM OF UNDERSTANDING is entered into this 28 day of June, 2013, by and between the COUNTY OF ALBEMARLE, VIRGINIA, hereinafter referred to as the "County," and the COUNTY SCHOOL BOARD OF ALBEMARLE COUNTY, VIRGINIA, T/A ALBEMARLE COUNTY PUBLIC SCHOOLS, hereinafter referred to as the "ACPS."

WITNESS:

WHEREAS, the parties acknowledge that the number of false alarms, as defined herein, generated by individual schools increase the County's public safety costs and divert public safety resources from other critical areas of public safety work; and

WHEREAS, ACPS is willing to reimburse the County for its costs to respond to false alarms at individual schools (the "School").

NOW THEREFORE, in consideration of the mutual premises stated in this Agreement, the County and ACPS agree as follows:

1. **Term.** The term of this Memorandum of Understanding (the "MOU") shall be for a period of one (1) year beginning on July 1, 2013 and ending on June 30, 2014, and shall automatically renew for an additional one (1) year term on each July 1 anniversary date thereafter. Either the County or ACPS may terminate this MOU at any time for any reason whatsoever by giving at least thirty (30) days' written notice to the other party of its intent to terminate.

2. **False alarm defined.** For the purposes of this MOU, the term "false alarm" for which ACPS agrees to reimburse the County means an alarm that causes an Albemarle County Police Department (the "Police") response when there is no actual or threatened criminal activity or other emergency requiring an immediate Police response.

A. **Acts Included.** False alarms for which ACPS is required to reimburse the County include, but are not limited to: (i) negligently or accidentally activated signals; (ii) signals which are the result of faulty, malfunctioning or improperly installed or maintained equipment; (iii) signals which are purposefully activated to summon a Police response in nonemergency situations; and (iv) alarms for which the actual cause is not determined.

B. **Acts Excluded.** False alarms for which ACPS is not required to reimburse the County are: (i) alarms caused by failure of the equipment at the emergency communications center; (ii) alarms determined by the responding Police officer to have been triggered by a student or other person whose purpose was not to summon a Police response in a nonemergency situation; (iii) criminal activity; (iv) activity unauthorized by ACPS or the School; or (v) any other activity outside the control of ACPS or the School.

3. **False Alarm Notification.** The County's responding Police officer will provide a false alarm notification/

prevention card (the "card") to the School for the first and second false alarm activations at that School in a fiscal year. The card will provide the incident number and date of the response to the School.

4. **Reimbursement.** ACPS shall reimburse the County for the Police responding to a false alarm at each School within a fiscal year according to the following schedule:

- A. First false alarm: No charge.
- B. Second false alarm: No charge.
- C. Third false alarm: \$100.
- D. Fourth false alarm: \$150.
- E. Fifth false alarm: \$200.
- F. Sixth and subsequent false alarms: \$300.

The County shall bill the School at which any false alarm for which reimbursement is required under Section 4 occurred. The School shall reimburse the County within thirty (30) days, or a longer period as may be agreed to in writing between the County and the School.

5. **Appeal.** If ACPS disputes whether a particular false alarm is subject to reimbursement under this MOU, it may appeal the bill to the County's chief of police within ten (10) after receiving the bill. The appeal shall be in writing and state the basis for the appeal. The chief of police's decision shall be made within ten (10) days after receipt of the appeal, and his decision shall be final.

6. **Amendment of this MOU.** This MOU may be amended, in writing, upon the mutual agreement of the parties.

IN WITNESS WHEREOF, the parties hereto have executed this MOU as of the date first written above.

COUNTY OF ALBEMARLE, VIRGINIA



Colonel Steve Sellers, Chief of Police

COUNTY SCHOOL BOARD OF ALBEMARLE
COUNTY, VIRGINIA



Dr. Pamela Moran, Superintendent

Approved as to Form:


County Attorney