

SEARCH AND SEIZURE POLICY

- 1.0 SCOPE:** This policy establishes the parameters for school officials to conduct searches and, if certain conditions are met, seize property.
- 2.0 PURPOSE:** The Board of Education recognizes the importance of keeping students safe and yet protect the privacy of students as to their person and their belongings, which may not be violated by unreasonable search and seizure, and directs that no student be searched in an unreasonable manner or without reasonable suspicion.
- 3.0 IMPLEMENTATION:**
 - 3.1 The Barbour County Board of Education acknowledges the need for in-school storage of student possessions and shall provide storage places, including desks and lockers, for that purpose. Such spaces remain the property of the Board and, in accordance with law, may be the subject of random search. Where locks are provided for such places, students may lock them against incursion by other students, but in no such places shall students have such an expectation of privacy as to prevent examination by a school official.
 - 3.2 School authorities are charged with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search the person or property, including vehicles located on school property, of a student, with or without the student's consent, whenever they reasonably suspect that the search is required to discover evidence of a violation of law or of school rules. The extent of the search will be governed by the seriousness of the alleged infraction and the student's age.
 - 3.3 This authorization to search shall also apply to all situations in which the student is under the jurisdiction of Barbour County Schools.
 - 3.4 Administrators are permitted to conduct a random search of any student's locker and its contents at any time, providing notice has been posted in writing in the student handbook.
 - 3.5 Search of a student's person or intimate personal belongings shall be conducted by a person of the student's gender, in the presence of another staff member of the same gender.
 - 3.6 Administrators are authorized to arrange for the use of a breath-test instrument for the purpose of determining if a student has consumed an alcoholic beverage. It is not necessary for the test to accurately determine blood-alcohol level, since the Board has established a zero tolerance for alcohol use.
 - 3.7 The Board also authorizes the use of canines, trained in detecting the presence of drugs or devices, when the principal has reasonable suspicion that illegal drugs or devices may be present in a school. This means of detection shall be used only to determine the presence of drugs in locker areas and other places on school property where such substances could be concealed. Canine detection must be conducted in collaboration with law enforcement authorities or with organizations certified in canine detection and is not to be used to search individual students unless a warrant has been obtained prior to the search.

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IMPLEMENTATION (continued) -

- 3.8 Except as provided below, a request for the search of a student or a student's possessions will be directed to the principal who shall seek the freely offered consent of the student to the inspection. Whenever possible, a search will be conducted by the principal in the presence of the student and a staff member other than the principal. A search prompted by the reasonable belief that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

- 3.9 The principal shall be responsible for the prompt recording in writing of each student search, including the reasons for the search; information received that established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found; and the disposition made of them. The principal shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

- 3.10 The Superintendent shall prepare administrative guidelines to implement this policy.

4.0 AUTHORITY:

U.S. Constitution, 4th Amendment
West Virginia Board of Education Policy 4372, 126 CSR 98

Adopted: 09/18/79

Revised: 08/10/09; 02/05/02; 04/04/95; 1983