

SUMMERS COUNTY BOARD OF EDUCATION POLICY

Adopted: 6/4/74 Revised: 4/19/05

Code: VII-A-7

Reference: Board Minutes, WV Code 18-A-5-1

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Interviews, Interrogations, Investigations, and Searches of Pupils by School Officials

Searches of Students. Under ordinary circumstances, the search of a student by a teacher or other school official is permitted if there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or rules of the school. The extent of the search must be reasonably related to the objectives of a search and not excessively intrusive in light of the sex of the student and nature of the infraction. However, "strip searches" by school personnel are not permitted under any circumstances. Any searches of students will be conducted in the presence of an adult witness. Any contraband property discovered as a result of a search may be confiscated.

Vehicle Searches. A student's vehicle, while on school property or if a student has been authorized to drive to and from school (regardless of where the vehicle is parked), is subject to search by a teacher or other school official if there are reasonable grounds to suspect that the search will turn up evidence that a student has violated or is violating either the law or rules of the school. Such searches will be conducted in the presence of an adult witness.

Locker Searches. A student's locker may be searched if there are reasonable grounds to suspect that the search will turn up evidence that a student has violated or is violating either the law or rules of the school. Such searches will be conducted in the presence of an adult witness. Furthermore, by accepting a locker, a student shall be deemed to have consented to the periodic inspection thereof. The school principal shall retain keys to all lockers in order to effect such inspections.

Canine Assisted Locker/Facility Inspections. School principals are authorized to arrange for the use of canines that have been trained in the detection of unlawful drugs or explosives to assist in periodic inspections of student lockers, other school facility areas or grounds. The principal is responsible for determining such and canines that are used in the school setting are certified or otherwise deemed reliable. Any unlawful drugs or explosives that are discovered as a result of a canine assisted inspection may serve as a basis for student disciplinary action under the terms of this policy. Canines may not be used to detect drugs or explosives, under circumstances where students are in near proximity. However, students may be directed to leave all belongings behind prior to canine assisted inspections of rooms that were occupied by students.

Investigations. Teachers or other school officials may interview students as part of any investigation involving a violation of the law or school rules. Law enforcement personnel may enter schools if they suspect a crime has been committed, if they have a warrant for an arrest or search, or if their assistance has been requested by school officials. When students are interviewed by law enforcement personnel, or by school officials in the presence of law enforcement personnel, the principal should see that the interview takes place privately in the presence of the principal or his/her representative and that every effort is made to provide parent(s)/guardian(s) the opportunity to be present. However, Child Protective Service personnel may direct that parent(s)/guardian(s) not be notified of an investigation or be provided with an opportunity to be present during interviews of students.