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*Rescinds Policy Number: JCAB-E, LDAJ-R**Issued:*

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Students do not lose their constitutional rights upon entering school premises. The Orange County Board of Education supports and upholds The Fourth Amendment to the United States Constitution, which protects all citizens, including students, from unreasonable searches. However, to maintain order and discipline in the schools and to protect the safety and welfare of students and school personnel, students and their belongings are subject to reasonable searches and seizures when administrators have a belief considered to be reasonable under these circumstances.

- A student committed a crime or a violation of a school rule.
- Such a search will reveal contraband or evidence of a violation of a school rule or a criminal law.

Any search conducted must be reasonable in scope given the age and gender of the student and the nature of the alleged infraction.

Only the principal or his/her designee may conduct such searches within the constitutional parameters outlined above unless special circumstances exist that require another staff member to take immediate action for safety reasons. A school official may call law enforcement officers, including the School Resource Officer who must have probable cause to conduct a student search or to provide assistance in appropriate circumstances. Failure by a student to permit a search as provided in this policy shall be grounds for disciplinary action.

#### TYPES OF SEARCHES

1. **USE OF METAL DETECTORS:** The Board of Education authorizes school officials to use metal detectors (either hand-held or walk-through) to examine a student's person or personal effects on the following conditions:
  - A. When the searches are conducted in a minimally-intrusive manner and the students are selected in a non-discriminatory manner, such searches may be conducted (either through designed random selection such as every third child, every student in a specific class, etc.). Metal detector group searches may not be used to search a particular individual or category of individuals absent reasonable suspicion described below;
  - B. If a school official has a reasonable suspicion to believe that a particular student is in possession of an unauthorized metal item, a metal detector search of the student's person or personal effects may be conducted. In the event that a metal detector search is used, law enforcement may be present to assist.
2. **ALERT DOGS:** The Board of Education authorizes the use of trained alert dogs when the school officials have reason to believe that illegal contraband exists on school property. In all instances law enforcement officials will provide the trained animals and will conduct the search and school officials will cooperate with law enforcement.
3. **LOCKER AND DESK SEARCHES:** Student lockers and desks are and remain at all times the property of the Orange County School System and may be searched for any reason at any time without notice or student consent. Students are expected to assume full responsibility for the security of their lockers and any personal effects therein.
4. **SCHOOL COMPUTERS:** School computers and any data they contain remain under control of the school and are subject to inspection at any time.

5. **AUTOMOBILE SEARCHES:** Students are permitted to park on school premises as a matter of privilege, not of right. As a condition for obtaining a permit and parking a vehicle on the school premises, a student and the student's legal parent, legal guardian or legal custodian must agree, in writing, to allow school officials to search any vehicle which the student parks on school property. The school retains the authority to conduct routine patrols of the 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 authority has reasonable suspicion to believe that illegal or unauthorized materials or other evidence of illegal activities are contained inside. Such patrols and inspections may be conducted without notice and without further student consent. Law enforcement may also be called to search student vehicles when, in the principal's discretion, a law enforcement presence would be helpful for any reason.
6. **PERSONAL SEARCHES:** A student's person and/or personal effects such as book bags, purses, wallets, knapsacks or outerwear (jackets, coats, capes, sweaters, shoes, socks, and hats) may be searched by school officials when there are reasonable grounds to believe that the search will yield evidence that the student is violating the Student Discipline and Code of Conduct and/or the law. The search itself must be conducted with at least one school official and one other licensed staff member present and must be done out of the view of students and others unless particular circumstances make that impossible.

If a pat down search of student's person is conducted it will be conducted in private by a school official of the same sex and with an adult witness present. If the student's person has been searched, school officials shall notify the student's parent, legal guardian or legal custodian promptly within a reasonable time following the search.

If the school official has reasonable suspicion to believe that the student has on his or her person an item imminently dangerous to the student or others, but the item cannot be detected by metal detector or pat-down search law enforcement officers shall be called. School officials should detain the student and supervise the student's movements until law enforcement arrives. Invasive body cavity searches or searches resulting in the touching or viewing of a student's person without clothing or in underwear ("strip searches") by or under the authority of school personnel are specifically prohibited.

7. **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, including a written record of the search with the date and time of the search, name of student searched, description and disposition of the unauthorized item found, the names of school officials (and law enforcement officials) present during the search, and the resulting disciplinary action.

#### INTERROGATIONS BY LAW ENFORCEMENT OFFICIALS

When law enforcement officers find it necessary to question students during the school day, the school principal or his/her designee will be present. The police will conduct the questioning in the principal's office with the principal or his/her designee present. The principal or his/her designee will attempt to contact the parent or legal guardian and request his/her attendance.

If police intend to take a student into custody or arrest a student, they must present an official warrant. The principal will assist the law enforcement officer in assuring that all procedural safeguards as prescribed by law are observed.

#### CONTACTING LAW ENFORCEMENT OFFICIALS

School administrators will contact law enforcement authorities immediately upon notice that a person is engaging in, or has engaged in, certain activities on school property or at a school sanctioned or sponsored activity. Those activities are ones that may result, or do in fact result, in injury or serious threat of injury to the person or to another person or his/her property.

Legal References: G.S. 115C-288(e-g), G.S. 115C-307(a-b)