

**INVESTIGATIONS AND SEARCHES
OF
PUPILS BY SCHOOL OFFICIALS**

West Virginia Code assigns county boards of education the right “to control and manage - the school - for all school activities,” and provides that the teacher shall stand in the place of the parent or guardian in exercising authority over the student and the school. “Teacher” is defined to include principals, aides, student teachers and other school employees assigned responsibilities for supervising instructional programs or other board approved activities. The bus driver shall be responsible for students on school buses in the same manner as the teacher or administrator is responsible during the school day.

The principal or his/her designee shall, upon receipt of a DRF report or Policy C.1.3 complaint form, immediately undertake or authorize an investigation. The investigation may be conducted by the school/school system officials or by a third party designated by the school system. The investigation must, at a minimum, consist of personal interviews with the complainant, the individual(s) against whom the complaint is filed, and others who may have knowledge of the alleged incident(s) or circumstances giving rise to the complaint. The investigation may also consist of any other methods and review of circumstances deemed pertinent by the investigator.

Parent notification is encouraged at Level II and III and discretionary at Level I. A reasonable effort shall be made to provide parent notification and invite them to be present during student interviews in connection with an investigation pursuant to a Level IV violation.

The investigation will be completed as soon as practicable but no later than ten school days following the reported violation. In the event the investigating official is not the principal, the investigator shall make a report to the principal upon completion of the investigation. The right of confidentiality of all persons involved will be vigorously protected. Violations of such confidentiality may itself be grounds for disciplinary action.

A student will not refuse to cooperate with an individual search when a school staff member has determined there is reasonable suspicion to conduct such a search. An administrator has the authority to search a student’s person (without removing clothing other than coat), locker , possessions (purse, bag, wallet, etc.) and/or vehicle or bicycle on school property or at a school function so long as the administrator has reasonable cause for believing that the student is violating school policy or state or federal law. It is required that a same-gender witness be present during the search of a student’s person. Pocket searches must be done by a person of the same gender.

APPROVED: July 20, 2004