

1 **Bigfork School District #38**

2
3 **STUDENTS**

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4
5 Searches and Seizure

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7 The goal of search and seizure with respect to students is meeting the educational needs of children and
8 ensuring their security. The objective of any search and/or seizure is not the eradication of crime in the
9 community. Searches may be carried out to recover stolen property, to detect illegal substances or
10 weapons, or to uncover any matter reasonably believed to be a threat to the maintenance of an orderly
11 educational environment. The Board authorizes school authorities to conduct reasonable searches of
12 school property and equipment, as well as of students and their personal effects, to maintain order and
13 security in the schools.

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15 The search of a student, by authorized school authorities, is reasonable if it is both: (1) justified at its
16 inception, and (2) reasonably related in scope to the circumstances which justified the interference in the
17 first place.

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19 School authorities are authorized to utilize any reasonable means of conducting searches, including but
20 not limited to the following:

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22 1. A search of the student's clothing, including pockets;
23 2. A search of any container or object used by, belonging to, or otherwise in the possession or
24 control of a student; and/or
25 3. Devices or tools such as breath-test instruments, saliva test strips, etc.

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27 The "search" of a student, if conducted, will be conducted by a school official

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29 School Property and Equipment and Personal Effects of Students

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31 School authorities may inspect and search school property and equipment owned or controlled by the
32 District (such as lockers, desks, and parking lots).

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34 The Superintendent may request the assistance of law enforcement officials, including their use of
35 specially trained dogs, to conduct inspections and searches of lockers, desks, parking lots, and other
36 school property and equipment for illegal drugs, weapons, or other illegal or dangerous substances or
37 material.

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39 Students

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41 School officials may search any individual student, his/her property, or District property under
42 his/her control, when there is a reasonable suspicion that the search will uncover evidence that he/she is
43 violating the law, Board policy, administrative regulation, or other rules of the District or the school.
44 Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence
45 related to the alleged violation. The types of student property that may be searched by school officials
46 include but are not limited to lockers, desks, purses, backpacks, student vehicles parked on District
47 property, cellular phones, or other electronic communication devices.

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4 Students may not use, transport, carry, or possess illegal drugs or any weapons in their vehicles
5 on school property. While on school property, vehicles may be inspected at any time by staff, or by
6 contractors employed by the District utilizing trained dogs, for the presence of illegal drugs, drug
7 paraphernalia, or weapons. In the event the school has reason to believe that drugs, drug paraphernalia, or
8 weapons are present, including by alert-trained dogs, the student's vehicle will be searched, and the
9 student expressly consents to such a search.

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11 Also, by parking in the school parking lots, the student consents to having his/her vehicle searched if the
12 school authorities have any other reasonable suspicion to believe that a violation of school rules or policy
13 has occurred.

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15 Seizure of Property

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17 When a search produces evidence that a student has violated or is violating either a law or
18 District policies or rules, such evidence may be seized and impounded by school authorities and
19 disciplinary action may be taken. As appropriate, such evidence may be transferred to law enforcement
20 authorities.

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24 Legal Reference: *Safford Unified School Dist. No. 1 v. Redding*, 557 U.S. 364, 129 S.Ct. 2633
25 (2009)
26 *Terry v. Ohio*, 392 U.S. 1, 20 (1968)
27 *B.C. v. Plumas*, (9th Cir. 1999) 192 F.3d 1260
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29 Policy History:

30 Adopted on: 11/03/1994
31 Revised on: 02/14/2001, 05/15/2003
32 First reading on: 6/29/22
33 Second reading/Adopted on: 7/13/22