

1 **Charlo School District**

2
3 **STUDENTS**

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4
5 Searches and Seizure

6
7 The goal of search and seizure with respect to students is meeting the educational needs of
8 children and ensuring their security. The objective of any search and/or seizure is not the
9 eradication of crime in the community. Searches may be carried out to recover stolen property,
10 to detect illegal substances or weapons or to uncover any matter reasonably believed to be a
11 threat to the maintenance of an orderly educational environment. The Board authorizes school
12 authorities to conduct reasonable searches of school property and equipment, as well as of
13 students and their personal effects, to maintain order and security in the schools
14

15 The search of a student, by authorized school authorities, is reasonable if it is both: (1) justified
16 at its inception, and (2) reasonably related in scope to the circumstances which justified the
17 interference in the first place.
18

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

- 21 1. A “pat down” of the exterior of the student’s clothing.
22 2. A search of the student’s clothing including pockets;
23 3. A search of any container or object used by, belonging to or otherwise in the
24 possession or control of a student; and/or
25 4. Devices or tools such as breath-test instruments, saliva test strips, etc.
26

27 The “pat down” or “search” of a student, if conducted, will be conducted by two (2) school
28 officials or employees. One official will conduct the search and will be of the same gender as
29 the student being searched. The other school official or employee will act as a witness to the
30 search.
31

32 School Property and Equipment and Personal Effects of Students

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34 School authorities may inspect and search school property and equipment owned or controlled
35 by the District (such as lockers, desks, and parking lots).
36

37 The Superintendent may request the assistance of law enforcement officials, including their use
38 of specially trained dogs, to conduct inspections and searches of lockers, desks, parking lots, and
39 other school property and equipment for illegal drugs, weapons, or other illegal or dangerous
40 substances or material.
41

42 Students

43
44 School officials may search any individual student, his/her property, or district property under
45 his/her control when there is a reasonable suspicion that the search will uncover evidence that
46 he/she is violating the law, Board policy, administrative regulation, or other rules of the district

or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation. The types of student property that may be searched by school officials include, but are not limited to, lockers, desks, purses, backpacks, student vehicles parked on district property, cellular phones, or other electronic communication devices.

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

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

Seizure of Property

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

Legal Reference: Redding v. Safford Unified School District,
---F.3d---, 2007 WL 2743594(C.A. 9 (Ariz.))
Terry v. Ohio, 392 U.S. 1, 20 (1968)
B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260

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Revised on: 11/20/2007, 1/15/2008, 04/21/15

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5 Searches and Seizure

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7 The following rules shall apply to any searches and the seizure of any property by school
8 personnel:
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- 10 1. The Superintendent, principal, and the authorized assistants of either shall be authorized
11 to conduct any searches or to seize property on or near school premises, as further
12 provided in this procedure.
13
- 14 2. If the authorized administrator has reasonable suspicion to believe that any locker, car, or
15 other container of any kind on school premises contains any item or substance which
16 constitutes an imminent danger to the health and safety of any person or to the property
17 of any person or the District, the administrator is authorized to conduct a search of any
18 car, locker, or container and to seize any such item or substance of any kind on school
19 premises without notice or consent.
20
- 21 3. No student shall hinder, obstruct, or prevent any search authorized by this procedure.
22
- 23 4. Whenever circumstances allow, any search or seizure authorized in this procedure shall
24 be conducted in the presence of at least one (1) adult witness, and a written record of the
25 time, date, and results shall be made by the administrator. A copy shall be forwarded to
26 the Superintendent as soon as possible.
27
- 28 5. In any instance where an item or substance is found which would appear to be in
29 violation of the law, the circumstance shall be reported promptly to the appropriate law
30 enforcement agency.
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34 Procedure History:

35 Promulgated on:

36 Reviewed on:

37 Revised on: October, 2006, 10/01/15