

1 **Bainville K-12 Schools**

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
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.
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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.
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19 School authorities are authorized to utilize any reasonable means of conducting searches,
20 including but not limited to the following:
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- 22 1. A “pat down” of the exterior of the student’s clothing;
- 23 2. A search of the student’s clothing, including pockets;
- 24 3. A search of any container or object used by, belonging to, or otherwise in the possession
25 or control of a student; and/or
- 26 4. Devices or tools such as breath-test instruments, saliva test strips, etc.
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28 The “pat down” or “search” of a student, if conducted, will be conducted by a school official or
29 employee of the same gender as the student being searched.
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31 School Property and Equipment and Personal Effects of Students

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33 School authorities may inspect and search school property and equipment owned or controlled
34 by the District (such as lockers, desks, and parking lots).
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36 The Superintendent may request the assistance of law enforcement officials, including their use
37 of specially trained dogs, to conduct inspections and searches of lockers, desks, parking lots, and
38 other school property and equipment for illegal drugs, weapons, or other illegal or dangerous
39 substances or material.
40

41 Students

42 School officials may search any individual student, his/her property, or district property under
43 his/her control when there is a reasonable suspicion that the search will uncover evidence that
44 he/she is violating the law, Board policy, administrative regulation, or other rules of the district
45 or the school. Reasonable suspicion shall be based on specific and objective facts that the search
46 will produce evidence related to the alleged violation. The types of student property that may be

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3 searched by school officials include, but are not limited to, lockers, desks, purses, backpacks,
4 student vehicles parked on district property, cellular phones, or other electronic communication
5 devices.

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

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

17 Seizure of Property

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

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27 Legal Reference: *Redding v. Safford Unified School District*, ____ F.3d ____, 2007 WL
28 2743594 (C.A. 9 (Ariz.))
29 *Terry v. Ohio*, 392 U.S. 1, 20 (1968)
30 *B.C. v. Plumas*, (9th Cir. 1999) 192 F.3d 1260

31 Policy History:

32 Adopted on: Spring 2004

33 Reviewed on:

34 Revised on: 2/25/08, 2/11/15
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