

Thompson Falls School District

STUDENTS

3231

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Searches and Seizure

The District has a responsibility for the health and safety of its students during the school day, at all extra-curricular activities and events, and all activities conducted on school premises. Use of and / or possession of drugs, alcohol, tobacco and tobacco innovations, controlled substances, medications (including over-the-counter medications without permission), and any other illegal drug, and/or drug paraphernalia on school property or at a school sponsored event pose a serious risk to health and safety to students, employees and visitors. Possession and use of weapons on school grounds poses an additional risk to the health and safety of students, employees and visitors.

To protect students, employees, and visitors from these risks, it is necessary to conduct searches of persons and property under certain, limited circumstances. Such searches are necessary to: deter the presence and possession of prohibited substances and items; deter drug and alcohol abuse among the student population; to educate students as to the serious physical, mental and emotional harm caused by drug and alcohol abuse; to prevent injury, illness and harm as result of drug, alcohol abuse and/or weapons; to help identify student drug use and assist parents in pursuing evaluation and appropriate counseling; and to maintain a safe environment free of weapons, alcohol and drug use.

Searches may be carried out to recover stolen property, to detect illegal substances or weapons, or to mitigate or eliminate risks to and disruption of a safe and healthy educational environment. In keeping with these goals, the Board authorizes school authorities to conduct reasonable searches of school property and equipment, as well as of students and their personal effects, to maintain health, safety, and security in the schools.

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

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

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

The “pat down” or “search” of a student, if conducted, will be conducted by a school official or employee of the same gender as the student being searched.

The types of property that may be searched by school officials include but are not limited to lockers, desks, purses, backpacks, vehicles parked on school property, cellular phones or other electronic communication devices.

Students and Their Personal Effects

School authorities may search a student, the student's property, or District property under the student's control, when there is reasonable suspicion that the search will produce evidence the student has violated or is violating either the law, Board policy, administrative regulation or the District's student conduct rules. Reasonable suspicion shall be based on the specific and objective facts that the search will produce evidence related to the alleged violation.

Immediately following a search, a written report shall be made by the school authority who conducted the search. The report shall be submitted to the Principal and forwarded to the Superintendent. The parent of the student shall be notified of the search as soon as possible.

Vehicles Parked on School Property

Parking on District property is a privilege for all students. Students may not use, transport, carry, or possess alcohol, illegal drugs or any weapons in their vehicles on school property. While on school property, vehicles may be inspected at any time when staff has reasonable suspicion to believe the vehicle contains, illegal drugs, drug paraphernalia, or weapons. District staff may inspect vehicles parked on school property at any time by staff for the presence of alcohol, illegal drugs, drug paraphernalia, or weapons. District staff may search a vehicle parked on school property only with the consent of the student or parent when the staff member has reasonable suspicion to believe the vehicle contains alcohol, illegal drugs, drug paraphernalia, or weapons. If the student or parent refuses consent to the search, the student will lose the privilege of parking on school property.

In any case of reasonable suspicion or where the student or parent will not consent to a search of the vehicle parked on school property, the District is authorized to contact law enforcement to conduct a search of the interior of the student's vehicle. Notice provisions for students will be contained in the student handbook annually and students shall annually consent to these procedures.

In addition, by exercising the privilege of parking in the school parking lots, the student acknowledges that the student does not have any expectation of privacy in the odors emanating from the student's vehicle which may alert a human or a canine to the presence of alcohol, illegal drugs, drug paraphernalia or weapons.

School Property

School property, including, but not limited to, desks and lockers, is owned and controlled by the District and may be searched by school authorities at any time. School authorities are authorized to conduct area-wide, general administrative inspections of school property without notice to or consent of the student and without reasonable suspicion. Contractors using trained dogs may be employed by the district to assist in this process.

Seizure of Property

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

Cross References: 3310 Student Discipline

Legal Reference: Redding v. Safford Unified School District, 504 F.3d 828 (9th Cir. 2007)
 Terry v. Ohio, 392 U.S. 1, 20 (1968)
 B.C. v. Plumas, 192 F.3d 1260 (9th Cir. 1999)

Policy History:

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