

SEARCH AND SEIZURE

The Governing Board recognizes that incidents may occur which jeopardize the health, safety and welfare of students and staff and which necessitate the search and seizure of students, their property, their lockers and/or vehicles by school officials.

School officials may search individual students and their property when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law or the rules of the district or the school. The Board urges that discretion, good judgment and common sense be exercised in all cases of search and seizure.

When possible, staff may use a metal detector when searching an individual for weapons.

The parent/guardian of a student subjected to an individualized search shall be notified by the district as soon after the search as possible.

Student Lockers

Because lockers are under the joint control of the student and the district, school officials shall have the right and ability to open and inspect any school locker without student permission when they have reasonable suspicion that the search will disclose evidence of illegal possessions or activity or when odors, smoke, fire and/or threats to student health, welfare or safety emanate from the locker.

For health and safety reasons, a general inspection of school properties such as lockers and desks may be conducted on a regular, announced basis, with students standing by their lockers or desks. Any items contained in a locker shall be considered to be the property of the student to whom the locker was assigned. Notice of this policy shall be given to all students when lockers are assigned.

Locker searches may be performed only by the principal, assistant principal or a designee of the principal. (Generally, in the absence of an emergency situation, the search of the locker shall be observed by another adult.). Whenever practicable the student will be present during the locker search. In emergencies the student need not be present while the search is conducted but all students shall be informed by means of the student handbook and any other means deemed appropriate by the administration, that lockers may be subject to search and seizure at all times where there is reasonable belief to conduct a search. After a search has been conducted without the student present, the student will be advised of the search, and when appropriate, the seizure.

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Immediately upon seizure of any item from a student locker, the District official who conducted the search shall record the time, place, circumstances of the search, and list all items seized. The District official shall file such report with the Principal’s office along with any item seized which shall be sealed and stored appropriately to assure that it is not tampered with or destroyed. The student shall be dealt with in accordance with existing District policies concerning disciplinary procedures.

Random Search for Weapons

The Board finds that the growing presence of weapons in the schools threatens the district’s ability to provide the safe and orderly learning environment to which our students and staff are entitled. The Board also finds that random metal detector searches offer a reasonable means to keep weapons out of the schools and mitigate the fears of students and staff.

The Superintendent or designee shall establish procedures which ensure that metal detector searches are conducted in a random fashion which excludes individual discretion as to who will be searched.

In an effort to keep the schools free of drugs, the district may use specially trained nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by law or district policy. The dogs may sniff the air around lockers, desks, bags, items or vehicles on district property or at district-sponsored events as long as they are not allowed to sniff any person.

The above inspections shall be unannounced and may be made at the discretion of the Superintendent or designee.

Students and parents/guardians shall be informed of this policy at the beginning of each school year.

Legal Reference

EDUCATION CODE

35160	Authority of governing boards
35160.1	Broad authority of school districts
35294-35294.5	School safety plans
49050-49051	Searches by school employees
49330-49334	Injurious objects

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PENAL CODE

626.9

Firearms

626.10

Dirks, daggers, knives or razor, bringing into or possession of upon or within public school ground; exception

75 Ops. Cal. Atty. Gen. 155 (1992)

New Jersey v. T.L.O., (1985) 469 U.S. 325

Zamora v. Pomeroy (10th Cir. 1981) 639 F. 2d662

Horton v. Goose Creek Independent School District (5th Cir. 1982) 690 F.2d 470

O'Connor v. Ortega (1987) 107 S. Ct. 1492