

## SEARCH AND SEIZURE

The Governing Board is fully committed to promoting a safe learning environment and, to the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances by students on school premises and at school activities. As necessary to protect the health and welfare of students and staff, school officials may search students, their property, and/or district property under their control and may seize illegal, unsafe, or otherwise prohibited items. (cf. [0450](#) - Comprehensive Safety Plan) (cf. [3515](#) - Campus Security) (cf. [3515.3](#) - District Police/Security Department) (cf. [5131](#) - Conduct) (cf. [5131.7](#) - Weapons and Dangerous Instruments) (cf. [5144.1](#) - Suspension and Expulsion/Due Process)

The Board urges that employees exercise discretion and good judgment. When conducting a search or seizure, employees shall act in accordance with law, Board policy, and administrative regulation. (cf. [0410](#) - Nondiscrimination in District Programs and Activities) (cf. [1312.1](#) - Complaints Concerning District Employees) (cf. [5145.3](#) - Nondiscrimination/Harassment)

The Superintendent or designee shall ensure that staff who conduct student searches receive training regarding the requirements of the district's policy and administrative regulation and other legal issues, as appropriate. (cf. [4131](#) - Staff Development) (cf. [4231](#) - Staff Development) (cf. [4331](#) - Staff Development)

### Individual Searches

The principal or administrative designee may search any individual student, his/her property, or district property under his/her control when there is a reasonable suspicion that the search will uncover evidence that 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.

Any search of a student, his/her property, or district property under his/her control shall be limited in scope and designed to produce evidence related to the alleged violation. Factors to be considered by school officials when determining the scope of the search shall include the danger to the health or safety of students or staff, such as the possession of weapons, drugs, or other dangerous instruments, and whether the item(s) to be searched by school officials are reasonably related to the contraband to be found. In addition, school officials shall consider the intrusiveness of the search in light of the student's age, gender, and the nature of the alleged violation.

Employees shall not conduct strip searches or body cavity searches of any student. (Education Code [49050](#))

Searches of individual students shall be conducted in the presence of at least two district employees.

The principal or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search. (cf. [5145.11](#) - Questioning and Apprehension by Law Enforcement)

### Searches of Multiple Student Lockers/Desks

For the convenience of students, OUHSD may provide lockers to store books, clothing, school materials and other personal property. The lockers may not be used to store any items which violate school rules, board policy California education code, county laws, state laws or federal laws. Students have exclusive use of their lockers and are "expected" to keep them locked. All student lockers and desks are the property of the district. The principal or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks, on a regular, announced basis, with students standing by their assigned lockers or desks. Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned.

### **Use of Metal Detectors**

The Board believes that the presence of weapons in the schools threatens the district's ability to provide the safe and orderly learning environment to which district students and staff are entitled. The Board also believes that 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 use metal detectors at district schools as necessary to help provide a safe learning environment. He/she shall establish a plan to ensure that metal detector searches are conducted in a uniform and consistent manner to minimize or eliminate arbitrary and capricious enforcement.

### **Use of trained Contraband Detection Dogs**

In an effort to keep the schools free of dangerous contraband, the district may use specially trained, nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by law or Board policy. The dogs may sniff the air around lockers, desks, or vehicles on district property or at district-sponsored events. Dogs shall not sniff within the close proximity of students or other persons and may not sniff any personal items on those persons without their consent.

Legal Reference:

### **EDUCATION CODE**

[32280-32289](#) School safety plans

[35160](#) Authority of governing boards

[35160.1](#) Broad authority of school districts

[48900-48927](#) Suspension and expulsion

[49050-49051](#) Searches by school employees

[49330-49334](#) Injurious objects

### **PENAL CODE**

[626.9](#) Firearms

[626.10](#) Dirks, daggers, knives or razor

### **CALIFORNIA CONSTITUTION**

Article I, Section 28(c) Right to Safe Schools

ADOPTED: \_\_\_\_\_, 10/27/99

Revised: 7/24/17

## SEARCH AND SEIZURE

### Individual Searches:

In determining whether reasonable suspicion exists, school officials shall consider:

1. The student's age and previous behavior patterns.
2. The prevalence and seriousness in the school of the problem to which the search was directed.
3. The urgency requiring the search without delay.
4. The substantive value and reliability of the information used as a justification for the search.
5. The location of the student at the time of the incident which gave rise to reasonable suspicion.

Searches shall be made in the presence of a least one other district employee. Employees will not conduct strip searches or body cavity searches.

### Random Search for Weapons

Upon enrollment and at the beginning of each school year, students and parents/guardians shall receive notice that the district uses random metal detector scans as part of its program to promote safety and deter the presence of weapons. Signs shall be posted at all schools to explain that anyone may be scanned by metal detector for guns, knives or other illegal weapons when on campus or attending athletic or extracurricular events.

The following procedures shall be followed when making metal detector scans:

1. Before walk-through, students shall be asked to empty their pockets of metal objects.
2. After an initial activation occurs, students shall be asked to walk through a second time.
3. If a second activation occurs, a hand-held metal detector will be used.
4. If the activation is not eliminated or explained, staff shall escort the student to a private area.
5. In the private area, an expanded search shall be conducted by a staff member of the same sex as the student.
6. The search shall be limited to the detection of weapons.

### Use of Metal Detectors

The Superintendent or designee shall ensure that the following safeguards are used when making metal detector scans:

1. Before "wanding" or scanning with a metal detector, students shall be asked to empty their pockets and belongings of metallic objects.
2. If an initial metal detector activation occurs, an expanded search may occur.
4. Staff shall escort the student to a private area where an expanded search shall be conducted by a staff member of the same gender as the student in the presence of another district employee.
5. The search shall be limited to the detection of the cause of the activation.

### Random Metal Detector Screenings

Each campus will conduct its own random metal detector screenings of students and their belongings (e.g. book bags, purses) following regulations set out by "Use of Metal Detectors". Each site principal or administrative-designee(s) will be responsible for implementation of screenings.

The random screenings will be consistent with the following procedures:

1. Screenings shall occur once daily when classes are in session. A minimum of ten students per class will be screened.
2. The principal or administrative designee shall maintain two containers for random selections.
  - a. Container one shall contain cards for each numbered period of the school day, i.e. cards for each of the class periods 1-6.
  - b. Container box shall contain cards with the names of each teacher conducting classes at the school. All cards

shall be periodically replaced one per semester, or sooner if any cards become worn or otherwise identifiable during random drawings.

3. At or before the start of first period classes each day, the principal or administrative designee shall first randomly draw one card from the "Class Period" container, e.g. first period. One card shall then be randomly drawn from the "Teacher's Names" container, e.g. Ms. Jones. [For example, if Ms. Jones conducts a first period class, the students in that class shall be screened.] If the named teacher is not conducting a class during the class period drawn (e.g. that teacher has a prep period), then that teacher's card shall be set aside and following teachers called will be drawn to be screened first period. [For example, if Ms. Jones does not teach a first period class, her card shall be set aside. If Mr. Smith's card is next chosen, and Mr. Smith teaches a first period class, the students in Mr. Smith's first period class shall be screened.]

4. This random selection process will be repeated daily when classes are in session. Because the selection method is random, it is possible that the same classes taught by the same teacher will be screened multiple times. Nonetheless, classes will be screened using this selection process.

5. When selecting cards from the containers, the principal or administrative designee shall have a non-management employee be present (e.g. campus supervisor) to ensure the cards in the containers are selected at random as per this procedure. The principal or his or her designee shall maintain a log of searches, to be complete and up to date then submitted to the Student Services office. The log will document each day's selection process, listing all period numbers and teacher name cards drawn, in their order of selection; the name of the principal or designee; the name of the witness; and the time of the selection process. The principal or administrative designee, and the witness, shall initial that day's entry to verify the accuracy of the information.

6. The results of each day's selection process shall be kept confidential and shall not be revealed in advance to students, only staff preparing the screening may be made aware in advance. The screenings may occur at any part of the instructional day.

7. When staff enter a classroom for screenings, they must bring: a) the container containing twenty-six cards, a card with each letter of the alphabet on it to represent the first letter of a student's surname. Staff shall have the classroom teacher or support staff randomly draw cards until a minimum of ten students are randomly selected for screenings. Staff shall on the random metal detection log, previously completed, those letters chosen in that class and shall initial the entry to verify the accuracy of the information. Staff shall return the log to the principal's or designee's office. The original form shall be maintained in a notebook at the site and a copy sent to the Student Support Services office.

### **Use of trained Contraband Detection Dogs**

Contraband detection dogs shall not be used in classrooms or other district facilities (including but not limited to parking lots, entry/exit points, and common areas) when the rooms are occupied, except for demonstration purposes with the handler present. When used for demonstration purposes, the dog shall be separated from the students and not allowed to sniff any individual.

Prior to conducting an inspection, students shall be asked to leave the room that will be subject to the canine sniff. Students upon exit will be supervised by classroom teacher/site staff. No student shall be forced to leave personal items behind for inspection, unless school officials have reasonable suspicion to search the item.

Only the dog's official handler shall determine what constitutes an alert by the dog. If the dog alerts on a particular item or place, the student having the use of that item or place, or responsibility for it, shall be called to witness the inspection. If a dog alerts on a locked vehicle, the student who brought the vehicle onto district property shall be asked to unlock it for inspection. (cf. [5131.6](#) - Alcohol and Other Drugs) (cf. [5144.1](#) - Suspension and Expulsion/Due Process)

### **Notifications**

At the beginning of each school year and upon enrollment, the Superintendent or designee shall inform students and parents/guardians about the district's policies and procedures for searches, including notice regarding:

1. The possibility of random searches of students, their belongings, their vehicles parked on district property, and district properties under a student's control, including lockers or desks
2. The district's contraband dog detection program

The District administration may also place signs and other posted warnings on campuses, and disseminate other notices, as deemed appropriate.