Search & Seizure

Adopted: 01/08/1996 **| Last Revised:** 09/03/2024 **| Last Reviewed**: 09/03/2024

The Board of Education 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, and only as authorized by law, Board policy, and rule, school officials may search students, their property, and/or district property under their control and may seize illegal, unsafe, or otherwise prohibited items. School officials shall exercise discretion and use good judgment when conducting searches.

The Superintendent or designee shall ensure that staff who conduct student searches receive training regarding the requirements of the district's policy and rule and other legal issues, as appropriate.

Searches Based on Individualized Suspicion

School officials may search an individual student, the student's property, or district property under the student's control when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law, Board policy, Board rule, 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.

Any search of a student, the student's property, or district property under the student's 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.

The types of student property that may be searched by school officials include, but are not limited to, lockers, desks, purses, backpacks, and student vehicles parked on district property.

A student's personal electronic device may be searched only if a school official, in good faith, believes that an emergency involving danger of death or serious physical injury to the student, or others requires access to the electronic device information.

Employees shall not conduct strip searches or body cavity searches of any student.

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.

Searches of Student Lockers and Desks

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 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 district's 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 use metal detectors as necessary to keep weapons out of schools and help provide a safe learning environment. The Superintendent or designee shall establish a plan to ensure that metal detector searches are conducted in a uniform and consistent manner.

Use of 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 individualized suspicion.

Policy Reference Disclaimer:

These references are not intended to be part of the policy itself, nor do they indicate the basis or authority for the Board to enact this policy. Instead, they are provided as additional resources for those interested in the subject matter of the policy.

Legal References:

STATE

CA CONSTITUTION ARTICLE 1, SECTION 28
Right to Safe Schools

EDUCATION CODE
32280-32289.5 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
49330-49335 Injurious objects

PENAL CODE
1546-1546.1 Production of or access to electronic communication information
626.10 Dirks, daggers, knives or razor
626.9 Gun-Free School Zone Act of 1995

MANAGEMENT RESOURCES

ATTORNEY GENERAL OPINION
83 Ops.Cal.Atty.Gen. 257 (2000)
75 Ops.Cal.Atty.Gen. 155 (1992)

COURT DECISIONS
In re William G (1985) 40 Cal. 3d 550
In re Latasha W. (1998), 60 Cal. App. 4th 1524
In Re William V. (2003) 111 Cal.App.4th 1464
Klump v. Nazareth Area School District (E.D. Pa. 2006) 425 F. Supp. 2d 622, 640
In re Cody S., 121 Cal. App. 4th 86, 92 (2004)
In re Sean A. (2010) 191 Cal. App. 4th 182

In G.C. v. Owensboro Public Schools (6th Cir. 2013) 711 F.3d 623
Redding v. Safford Unified School District (2009) 557 U.S. 364
Zamora v. Pomeroy (10th Cir. 1981) 639 F.2d 662
B.C. v. Plumas (9th Cir. 1999) 192 F.3d 1260
Horton v. Goose Creek Independent School District (5th Cir. 1982) 690 F.2d 470
Jennings v. Joshua Independent School District (5th Cir. 1992) 948 F.2d 194
New Jersey v. T.L.O. (1985) 469 U.S. 325
O'Conner v. Ortega (1987) 480 U.S. 709

NATIONAL INSTITUTE OF JUSTICE PUBLICATION

The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999

WEBSITES

CSBA District and County Office of Education Legal Services https://legalservices.csba.org/
National Institute of Justice http://www.ojp.usdoj.gov/nij
California Department of Education, Safe Schools http://www.cde.ca.gov/ls/ss
California Attorney General's Office http://oag.ca.gov/
CSBA http://www.csba.org/

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