

Liberty Union High School District

Board Policy

Classification: Students

Policy No. BP 5145.12

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Effective 2/19/86

Revised 1/31/24

Subject: 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, and only as authorized by law, Board policy, and administrative regulation, 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 administrative regulation 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, 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.

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. (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.

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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 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 finds 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 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.

State	Description
CA Constitution Article 1, Section 28	Right to Safe Schools
Ed. Code 32280-32289.5	School safety plans
Ed. Code 35160	Authority of governing boards
Ed. Code 35160.1	Broad authority of school districts
Ed. Code 48900-48927	Suspension and expulsion
Ed. Code 49050-49051	Searches by school employees

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Ed. Code 49330-49335

[Injurious objects](#)

Pen. Code 1546-1546.1

Production of or access to electronic communication information

Pen. Code 626.10

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

Pen. Code 626.9

[Gun-Free School Zone Act of 1995](#)

Management Resources

Description

Attorney General Opinion

83 Ops.Cal.Atty.Gen. 257 (2000)

Attorney General Opinion

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

Court Decision

In re William G (1985) 40 Cal. 3d 550

Court Decision

In re Latasha W. (1998), 60 Cal. App. 4th 1524

Court Decision

In Re William V. (2003) 111 Cal.App.4th 1464

Court Decision

Klump v. Nazareth Area School District (E.D. Pa. 2006) 425 F. Supp. 2d 622, 640

Court Decision

In re Cody S., 121 Cal. App. 4th 86, 92 (2004)

Court Decision

In re Sean A. (2010) 191 Cal. App. 4th 182

Court Decision

In G.C. v. Owensboro Public Schools (6th Cir. 2013) 711 F.3d 623

Court Decision

Redding v. Safford Unified School District, (2009) 557 U.S. 364

Court Decision

Zamora v. Pomeroy, (10th Cir. 1981) 639 F.2d 662

Court Decision

B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260

Court Decision

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

Court Decision

Jennings v. Joshua Independent School District (5th Cir. 1992) 948 F.2d 194

Court Decision

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

Court Decision

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

Website

[CSBA District and County Office of Education Legal Services](#)

Website

[National Institute of Justice](#)

Website

[California Department of Education, Safe Schools](#)

Website

[California Attorney General's Office](#)

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Website [CSBA](#)

Cross References

Code	Description
0410	Nondiscrimination In District Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1312.1	Complaints Concerning District Employees
1312.1	Complaints Concerning District Employees
3513.4	Drug And Alcohol Free Schools
3515	Campus Security
3515	Campus Security
3515.3	District Police/Security Department
3515.3	District Police/Security Department
3515.31	School Resource Officers
4131	Staff Development
4231	Staff Development
4331	Staff Development
5111	Admission
5111	Admission
5111.1	District Residency
5111.1	District Residency
5125	Student Records
5125	Student Records
5125.1	Release Of Directory Information
5125.1	Release Of Directory Information
5125.1-E(1)	Release Of Directory Information
5131	Conduct
5131.2	Bullying
5131.2	Bullying
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs

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5131.7	<u>Weapons And Dangerous Instruments</u>
5131.7	<u>Weapons And Dangerous Instruments</u>
5131.8	<u>Mobile Communication Devices</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5144.1	<u>Suspension And Expulsion/Due Process</u>
5145.11	<u>Questioning And Apprehension By Law Enforcement</u>
5145.13	<u>Response To Immigration Enforcement</u>
5145.13	<u>Response To Immigration Enforcement</u>
5145.3	<u>Nondiscrimination/Harassment</u>
5145.3	<u>Nondiscrimination/Harassment</u>
5145.6	<u>Parent/Guardian Notifications</u>
5145.6-E(1)	<u>Parent/Guardian Notifications</u>
5145.9	<u>Hate-Motivated Behavior</u>
6163.4	<u>Student Use Of Technology</u>
6163.4-E(1)	<u>Student Use Of Technology</u>