

County Superintendent's Policy 5145.12: Search And Seizure Status: ADOPTED

Original Adopted Date: 06/08/2026 **Last Revised Date:** 06/08/2026 **Last Reviewed Date:** 06/08/2026

ORANGE COUNTY OFFICE OF EDUCATION
SUPERINTENDENT'S POLICY

The County Superintendent 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 on school premises and at school activities.

As necessary to protect the health and welfare of students and staff, and as authorized by law and county office of education (COE) policy or regulation, a search of students, student property, and/or COE property within the exclusive control of a student may be conducted and any discovered illegal, unsafe, or otherwise prohibited items may be seized.

Any student, their property, or COE property under their control, may be searched only when there is a reasonable, individualized suspicion that the search will uncover evidence that the student is involved in violating law, COE policy or regulation, or other rules of the school. Student property that may be searched includes, but is not limited to, lockers, desks, purses, backpacks, and vehicles parked on COE property. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation.

A student's personal electronic device may be searched in an emergency involving danger of death or serious physical injury to the student or others, as authorized under Penal Code 1546.1.

The Superintendent or designee shall ensure that administrators or designees who conduct student searches receive training regarding the requirements of the Orange County Office of Education's policy and procedures and other legal issues, as appropriate.

Upon a formal finding of need for the use of any search to ensure safety and security on campus or at school activities, students may also be subject to other random or regular searches or inspections on an announced basis, in accordance with law. This County Superintendent policy and/or related County Superintendent administrative regulations on the use of any such search shall be communicated to students and/or their parents/guardians, at least at the beginning of each schoolyear.

Individual Searches

If a student has engaged in conduct that causes an administrator or designee to have *reasonable suspicion* that the student has committed, or is about to commit, a crime or has violated statutory laws or school rules, the administrator or designee may conduct a search of that student. The administrator or designee must:

- Be able to articulate the reason for his or her suspicion and the facts and/or circumstances surrounding a specific incident.
- Be able to reasonably connect the student to a specific incident, crime or rule or statute violation.
- Have relied on recent, credible information from personal knowledge and/or other eyewitnesses.
- Ensure that a search based on reasonable suspicion is not excessively intrusive in light of the student's age and gender and the nature of the offense.

When conducting a student search based on reasonable suspicion, administrators/designees must adhere to the following practices:

- Conduct the search only if there are clear and specific reasons for suspicion and there are facts that connect the student to a specific incident of misconduct.
- Jackets, purses, pockets, backpacks, bags, and containers in the student's possession as well as school-assigned storage space may be searched to the extent reasonably necessary.
- Under no conditions may a body or strip search be conducted.
- When feasible, administrators/designees of the same sex as the student being searched may conduct the search
- Searches based on reasonable suspicion must be conducted in a private area where the search will not be visible to other students or staff (except for a school administrator or designee witness, also of the same sex).

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 Orange County Office of Education employees.

The administrator or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search.

Use of Metal Detectors

The Orange County Office of Education believes that the presence of weapons in the schools threatens the Orange County Office of Education's ability to provide the safe and orderly learning environment to which students and staff are entitled. The Orange County Office of Education 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 administrator or designee may use metal detectors at Orange County Office of Education 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.

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

CA Constitution Article I, Section
28(c)

Ed. Code 32280-32289

Ed. Code 35160

Ed. Code 35160.1

Ed. Code 48900-48927

Ed. Code 49050-49051

Ed. Code 49330-49334

Pen. Code 1546-1546.1

Pen. Code 626.10

Pen. Code 626.9

Management Resources

Attorney General Opinion

Attorney General Opinion

Court Decision

Court Decision

Court Decision

Description

[Right to Safe Schools](#)

School safety plans

Authority of governing boards

Broad authority of school districts

Suspension and expulsion

Searches by school employees

Injurious objects

Production of or access to electronic communication
information

Dirks, daggers, knives or razor

Firearms

Description

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

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

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

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

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	Zamora v. Pomeroy, (10th Cir. 1981) 639 F.2d 662
Court Decision	Redding v. Safford Unified School District, (2009) 557 U.S. 364
Court Decision	O'Connor v. Ortega, (1987) 480 U.S. 709
Court Decision	Jennings v. Joshua Independent School District (5th Cir. 1992) 948 F.2d 194
Court Decision	Horton v. Goose Creek Independent School District, (5th Cir. 1982) 690 F.2d 470
Court Decision	B.C. v. Plumas (9th Cir. 1999) 192 F.3d 1260
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	National Institute of Justice
Website	CSBA
Website	California Department of Education, Safe Schools
Website	California Attorney General's Office

Cross References

Code	Description
0410	Nondiscrimination In County Office Programs And Activities
0450	Comprehensive Safety Plan
0450	Comprehensive Safety Plan
1312.1	Complaints Concerning County Office Employees

1312.1	<u>Complaints Concerning County Office Employees</u>
3515	<u>Campus Security</u>
3515	<u>Campus Security</u>
3515.3	<u>Campus Security Department</u>
3515.3	<u>Campus Security Department</u>
4131	<u>Staff Development</u>
4231	<u>Staff Development</u>
4331	<u>Staff Development</u>
5131	<u>Conduct</u>
5131.6	<u>Alcohol And Other Drugs</u>
5131.6	<u>Alcohol And Other Drugs</u>
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>
5145.3	<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>
6163.4	<u>Student Use Of Technology</u>
6163.4-E(1)	<u>Student Use Of Technology</u>