

SEARCH AND SEIZURE

The Governing Board is fully committed to maximizing school safety, promoting a safe learning environment, and to, the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances. 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.

The Board urges that employees exercise discretion, good judgment, and common sense in all cases of search and seizure.

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.

Individual Searches

School officials may search an individual student, student property, or district property under a student's 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. This reasonable suspicion shall be based on specific and objective facts that the search will provide evidence related to the alleged violation. The type of student property that may be searched by school officials include, but is 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 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.

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.

SEARCH AND SEIZURE (continued)

Group Searches of Student Lockers/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 Drug-Detection Dogs

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 Board policy.

The dogs may sniff the air around lockers, desks, or vehicles on district property or at district-sponsored events. Dogs are not allowed to sniff within the close proximity of any students or other persons and may not sniff any personal items on that person, without the individual's consent.

Legal Reference: (see next page)

SEARCH AND SEIZURE (continued)

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*

COURT DECISIONS

Redding v. Safford Unified School District, (9th Cir. 2008) 531 F.3d 1071
B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260
Jennings v. Joshua Independent School District, (5th Cir. 1989) 877 F.2d 313
O'Connor v. Ortega, (1987) 480 U.S. 709
New Jersey v. T.L.O., (1985) 469 U.S. 325
Horton v. Goose Creek Independent School District, (5th Cir. 1982) 690 F.2d 470
Zamora v. Pomeroy, (10th Cir. 1981) 639 F.2d 662

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 257 (2001)
75 Ops.Cal.Atty.Gen. 155 (1992)

Management Resources:

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

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

WEB SITES

CSBA: <http://www.csba.org>
California Attorney General's Office: <http://caag.state.ca.us>
California Department of Education, Safe Schools: <http://www.cde.ca.gov/lr/ss>
National Institute of Justice: <http://www.ojp.usdoj.gov/nij>