

Policy 5145.12: Search And Seizure

Status: ADOPTED

Original Adopted Date: 11/02/2011 | **Last Revised Date:** 09/21/2022 | **Last Reviewed Date:** 09/21/2022

The Board of Trustees 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.

(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)

Searches Based on Individualized Suspicion

School officials may search any individual student, his/her 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, 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.

(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

Searches of Multiple 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 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.

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 their consent.

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
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
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
3515	Campus Security

3515	Campus Security
4131	Staff Development
4231	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 PDF(1)	Release Of Directory Information
5131	Conduct
5131.2	Bullying
5131.6	Alcohol And Other Drugs
5131.6	Alcohol And Other Drugs
5131.7	Weapons And Dangerous Instruments
5131.7	Weapons And Dangerous Instruments
5144.1	Suspension And Expulsion/Due Process
5144.1	Suspension And Expulsion/Due Process
5145.11	Questioning And Apprehension By Law Enforcement
5145.11-E PDF(1)	Questioning And Apprehension By Law Enforcement
5145.3	Nondiscrimination/Harassment
5145.3	Nondiscrimination/Harassment
5145.6	Parent/Guardian Notifications
5145.6-E PDF(1)	Parent/Guardian Notifications
5145.9	Hate-Motivated Behavior
6163.4	Student Use Of Technology
6163.4	Student Use Of Technology
6163.4-E PDF(1)	Student Use Of Technology