

Search And Seizure

The Governing Board recognizes that incidents may occur which jeopardize the health, safety and welfare of students and staff and which necessitate the search and seizure of students, their property, or their lockers by school officials.

(cf. 5145.11 - Questioning and Apprehension)

Individual Searches

School officials may search individual students and their property when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law or the rules of the district or the school. The Board urges that discretion, good judgment and common sense be exercised in all cases of search and seizure.

Searches will be conducted by or under the supervision of the school site administrator or certificated designee. Searches shall be made in the presence of at least one other district employee, preferably of the same gender as the student. Employees will not conduct strip searches or body cavity searches. When possible, staff shall use a metal detector when searching an individual for weapons.

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

Student Lockers

Because lockers are under the joint control of the student and the district, school officials shall have the right and ability to open and inspect any school locker without student permission when they have reasonable suspicion that the search will disclose evidence of illegal possessions or activity or when odors, smoke, fire and/or other threats to student health, welfare or safety emanate from the locker.

For health and safety reasons, a general inspection of school properties such as lockers and desks may be conducted on a regular, announced basis, with students standing by their lockers or desks.

Any items contained in a locker shall be considered to be the property of the student to whom the locker was assigned. Notice of this policy shall be given to all students when lockers are assigned.

Random Use of Metal Detectors

The presence of weapons on school sites denies students and staff the right to a safe, secure and peaceful campus. The district will make a determined effort to prevent the introduction of weapons, to locate and remove any weapons brought on campus and to use all legal avenues for apprehension and prosecution of perpetrators who bring weapons to our schools.

The Board finds that metal detector searches offer a reasonable and effective means to determine the presence of weapons. Metal detectors may be used to search an individual when there is reasonable suspicion of a weapon, or on a random basis as determined by the school principal.

The district may use metal detectors on school campuses and off campus at school activities. This equipment will be used in a reasonable manner which will minimize the intrusion of privacy, and maintain respect for all students.

The Superintendent shall implement administrative regulations for the use of metal detectors at the district's schools or other facilities used for school activities. This plan will help provide a safe learning and working environment for the students and employees in the district.

(cf. 0450-Comprehensive Safety Plan)

(cf. 5131.7 - Weapons and Dangerous Instruments)

(cf. 5144.1 - Suspension and Expulsion/Due Process))

Use of Trained Dogs

In an effort to keep the schools free of drugs, firearms and explosives, the district may use specially trained nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by law or district policy. The dogs may sniff the air around lockers, desks, bags, items or vehicles on district property or at district-sponsored events as long as they are not allowed to sniff within the close proximity of any students.

The above inspections shall be unannounced and may be made at the discretion of the Superintendent or designee.

Students and parents/guardians shall be informed of this policy at the beginning of each school year.

Legal Reference:

EDUCATION CODE

32280-32288 School safety plans

35160 Authority of governing boards

35160.1 Broad authority of school districts

49050-49051 Searches by school employees

49330-49334 Injurious objects

PENAL CODE

626.9 Firearms

626.10 Dirks, daggers, knives or razor; bringing into or possession of upon or within public school ground; exception

COURT DECISIONS

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

O'Connor v. Ortega, (1987) 107 S.Ct. 1492

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

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

Management Resources:

WEB SITES

California Attorney General's Office: <http://caag.state.ca.us>

CDE, Safe Schools and Violence Prevention Office: <http://www.cde.ca.gov/spbranch/safety>

Policy FRESNO UNIFIED SCHOOL DISTRICT

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