

**SEARCH AND SEIZURE**

The Board of Trustees 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. The Board requires that discretion, good judgment and common sense be exercised in all cases of search and seizure.

*(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.

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.

*Legal Reference: (see next page)*

## SEARCH AND SEIZURE (continued)

### *Legal Reference:*

#### EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

35294-35294.9 School safety plans

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>