SEARCH AND SEIZURE

As necessary to protect the health, safety 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 and prohibited items. The Governing Board requires that discretion, good judgment and common sense be exercised in all cases of search and seizure.

 Individual Searches

School officials may search individual students, their property and district property under their 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.

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 Superintendent 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)

Student Desks

The Superintendent or designee may conduct a general inspection of school properties that are within the control of students, such as desks, on a regular, announced basis, with students standing by their assigned lockers or desks. Any items contained in a desk shall be considered to be the property of the student to whom the desk was assigned.

Because desks 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 desk without student permission or prior notice when they have reasonable suspicion that the search will uncover evidence of illegal possessions or activities or when odors, smoke, fire and/or other threats to health, welfare or safety emanate from the desk.

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
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

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