

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.

(cf. 5145.11 - Questioning and Apprehension)

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.

When possible, staff shall use a metal detector when searching an individual for weapons.

The parent/guardian of a student subjected to an individualized search shall be notified by the District 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 Search for Weapons

The Board finds that the growing presence of weapons in the schools threatens the District's ability to provide the safe and orderly learning environment to which our students and staff are entitled. The Board also finds that random metal detector searches offer a reasonable means to keep weapons out of the schools and mitigate the fears of students and staff.

The Superintendent or designee shall establish procedures which ensure that metal detector searches are conducted in a random fashion which excludes individual discretion as to who will be searched.

SEARCH AND SEIZURE (continued)

(cf. 0450 - Comprehensive Safety Plan)
(cf. 5131.6 - Alcohol and Other Drugs)
(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, 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 any person.

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

35160 Authority of governing boards
35160.1 Broad authority of school districts
35294-35294.5 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
75 Ops.Cal.Atty.Gen. 155 (1992)
New Jersey v. T.L.O., (1985) 469 U.S. 325
Zamora v. Pomeroy, (10th Cir. 1981) 639 F.2d 662
Horton v. Goose Creek Independent School District, (5th Cir. 1982) 690 F.2d 470
O'Connor v. Ortega, (1987) 107 S.Ct. 1492

Policy

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FORTUNA UNION HIGH SCHOOL DISTRICT
Fortuna, California