

# LODI UNIFIED SCHOOL DISTRICT

REVISED Policy 5145.12

## Students

### Search and Seizure

~~The Board of Education is committed to maintaining an environment for students and staff that is safe and conducive to learning and working. The Board recognizes that incidents may occur which jeopardize the health, safety and welfare of students and staff which necessitate the search and seizure of students and their property, or school property including lockers, by school officials.~~

The Board of Education 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.

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.

### **Searches Based on Individualized Suspicion**

~~School officials may search students and their property when there are reasonable grounds or 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. 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, cellular phones, or other electronic communication devices. The Board urges that discretion, good judgment and common sense be exercised in all cases of search and seizure.~~ an individual student, the student's 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, and 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.

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.

### **Searches of Student Lockers and 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**

~~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.~~

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 **district's** 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.~~ **The Superintendent or designee shall use metal detectors as necessary to keep weapons out of schools and help provide a safe learning environment. The Superintendent or designee shall establish a plan to ensure that metal detector searches are conducted in a uniform and consistent manner.**

~~Searches for the location of controlled substances (including substances represented as illegal substances), alcoholic beverages, intoxicants of any kind, firearms, knives, explosives, dangerous objects, drug paraphernalia, poisons and stolen or missing properties are matters relating to the health and safety of students and staff and may be regarded as reasonable purposes for inspection by school personnel.~~

### **Use of Contraband Detection Dogs**

~~In an effort to keep the schools free of drugs and weapons, the district may utilize the services of trained detection canines to sniff out and alert staff to the presence of substances and/or items prohibited by law and/or district policy. The detection canines may sniff lockers, desks, bags, personal effects or vehicles on school property or at school sponsored events, but shall not be permitted to sniff any person or be used in classrooms occupied by students except for demonstration purposes.~~ **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 individualized suspicion.**

~~Inspections may be unannounced and may be made at the discretion of the Superintendent or a designee. Students and employees shall be informed of this policy at the beginning of each school year.~~

Legal References: Education Code

32280 – ~~32288~~ **32289.5** School safety plans

35160 Authority of governing boards

35160.1 Broad authority of school districts

**48900-48927 Suspension and expulsion**

49050-49051 Searches by school employees

49330- ~~49334~~ **49335** Injurious objects

Penal Code

**1546-1546.1 Production of or access to electronic communication information**

626.9 Firearms

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

**Management Resources**

Court Decisions

In re William G (1985) 40 Cal. 3d 550

In re Latasha W. (1998), 60 Cal. App. 4th 1524

In Re William V. (2003) 111 Cal.App.4th 1464

Klump v. Nazareth Area School District (E.D. Pa. 2006) 425 F. Supp. 2d 622, 640

In re Cody S., 121 Cal. App. 4th 86, 92 (2004)

In re Sean A. (2010) 191 Cal. App. 4th 182

In G.C. v. Owensboro Public Schools (6th Cir. 2013) 711 F.3d 623

Redding v. Safford Unified School District (2009) 557 U.S. 364

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

Jennings v. Joshua Independent School District (5th Cir. 1992) 948 F.2d 194

Zamora v. Pomeroy, (10th Cir. 1981) 639 F.2d 662

Attorney General Opinions

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

83 Ops.Cal.Atty.Gen. 257 (2000)

**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

**Websites**

CSBA District and County Office of Education Legal Services

National Institute of Justice

California Department of Education, Safe Schools

California Attorney General's Office

CSBA

Policy

adopted: 01/08/96  
revised: 06/02/98  
revised: 02/20/01  
revised: 05/03/05 (technical revision)  
revised: 05/19/09