

**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. 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. Notice of this policy shall be given to all students when lockers are assigned.

**Random Use of Metal Detectors**

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. 5131.7 - 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 within the close proximity of any students.

(cf. 5131.6 - Alcohol and Other Drugs)

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

35294-35294.9 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>

Policy

adopted: February 23, 1999

Revised: August 22, 2000

**VISALIA UNIFIED SCHOOL DISTRICT**

Visalia, California

## **SEARCH AND SEIZURE**

### **Individual Searches**

Searches shall be made in the presence of at least two other district employees.

Employees shall not conduct strip searches or body cavity searches. (Education Code 49050)

### **Random Use of Metal Detectors**

Upon enrollment and at the beginning of each school year, students and parents/guardians shall receive notice that the district uses random metal detector scans as part of its program to promote safety and deter the presence of weapons. Signs shall be posted at all schools to explain that anyone may be scanned by metal detector for guns, knives or other illegal weapons when on campus or attending athletic or extracurricular events.

The following procedures shall be followed when making metal detector scans:

1. Before walk-through, students shall be asked to empty their pockets of metal objects.
2. After an initial activation occurs, students shall be asked to walk through a second time.
3. If a second activation occurs, a hand-held metal detector will be used.
4. If the activation is not eliminated or explained, staff shall escort the student to a private area.
5. In the private area, an expanded search shall be conducted by at least two staff members of the same gender as the student.
6. The search shall be limited to the detection of weapons.

### **Use of Trained Dogs**

Dogs shall not be used in rooms occupied by persons except for demonstration purposes, with the handler present. When used for demonstration purposes, the dog may not sniff the person of any individual and shall be well-separated from the students.

**Students**

AR 5145.12(b)

**SEARCH AND SEIZURE** (continued)

Only the dog's official handler will determine what constitutes an alert by the dog. If the dog alerts on a particular item or place, the student having the use of that item or place or responsibility for it shall be called to witness the search. If a dog alerts on a locked vehicle, the student who brought it onto district property shall be asked to unlock it for inspection.

*(cf. 5144 - Discipline)*

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

Regulation  
approved: February 23, 1999  
Revised: August 22, 2000

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Visalia, California