

Riverside County Office of Education
Board Policy 5145.12 Search and Seizure

STUDENTS

SUBJECT: Search and Seizure

The County 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 on school premises and at school activities.

As necessary to protect the health, safety and welfare of students and staff, , and as authorized by law and county office of education (COE) policy or regulation, school officials may search students, their property and/or County Office of Education property under their control, and may seize illegal, unsafe and prohibited items. The County Office of Education 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 County Office of Education property under their control, only when there is a reasonable, individualized suspicion that the search will uncover evidence that the student is violating the law, County Office of Education policy, administrative regulation, or other rules of the County Office of Education or the school. Student property that may be searched includes, but is not limited to, lockers, desks, purses, backpacks, and vehicles parked on COE property. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation

A student's personal electronic device may be searched in an emergency involving danger of death or serious physical injury to the student or others, as authorized under Penal Code 1546.1.

Upon a formal finding of need for the use of any search to ensure safety and security on campus or at school activities, students may also be subject to other random or regular searches or inspections on an announced basis, in accordance with law. This County Board policy and/or related County Superintendent of Schools procedures on the use of any such search shall be communicated to students and/or their parents/guardians, at least at the beginning of each schoolyear.

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 one other County Office of Education employee.

The site administrator 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 Lockers/Desks

Because lockers and desks are under the joint control of the student and the County Office of

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Education, school officials shall have the right and ability to open and inspect any school locker or 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 locker or desk. Notice of this policy shall be given to all students when lockers are assigned.

Use of Metal Detectors

The County Board of Education and County Superintendent of Schools believe that the presence of weapons in the schools threatens the County Office of Education's ability to provide the safe and orderly learning environment to which County Office of Education students and staff are entitled. The County Board of Education and County Superintendent of Schools also believe that metal detector searches offer a reasonable means to keep weapons out of the schools and mitigate the fears of students and staff.

The County Superintendent of Schools or designee shall establish procedures that ensure that metal detector searches are conducted in a consistent manner that minimizes or eliminates arbitrary and capricious enforcement by school officials.

(cf. 0410.3 - Nondiscrimination in Programs and Activities)

(cf. 0450 - Comprehensive Safety Plan)

(cf. 5131.7 - Weapons and Dangerous Instruments)

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

Use of Drug-Detection Dogs

In an effort to keep the schools free of drugs, the County Office of Education may use specially trained nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by law or County Office of Education policy. The dogs may sniff the air around lockers, desks, or vehicles on County Office of Education property or at County Office of Education-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)

Legal Reference:

EDUCATION CODE

32280-32288 School safety plans

35160 Authority of governing boards, CSS 35160.1 Broad authority of schools

48900-48927 Suspension and expulsion

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

1546-1546.1 Production of or access to electronic communication information

CALIFORNIA CONSTITUTION

Article I, Section 28(c) Right to safe schools

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COURT DECISIONS

In G.C. v. Owensboro Public Schools (6th Cir. 2013) 711 F.3d 623
In re Sean A. (2010) 191 Cal. App. 4th 182
Redding v. Safford Unified School District (2009) 557 U.S. 364
Klump v. Nazareth Area School District (E.D. Pa. 2006) 425 F. Supp. 2d 622
In re Cody S. (2004) 121 Cal. App. 4th 86
In Re William V. (2003) 111 Cal.App.4th 1464
B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260
In re Latasha W. (1998) 60 Cal. App. 4th 1524
Vernonia Sch. Dist. 47J v. Acton (1995) 515 U.S. 646
Jennings v. Joshua Independent School District (5th Cir. 1992) 948 F.2d 194
O'Connor v. Ortega, (1987) 107 S.Ct. 1492
In re William G (1985) 40 Cal. 3d 550
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

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