

SEARCH AND SEIZURE

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

(cf. 5145.11 - Questioning and Apprehension)

The Board authorizes school officials to conduct searches when there are reasonable grounds or 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. Searches shall be made in the presence of a least one other district employee. Employees will not conduct strip searches or body cavity searches or any search that involves removing or arranging the student's clothing to permit visual inspection of his/her underclothes, breast, buttocks or genitalia. (Education Code 49050)

In determining whether reasonable cause for a search exists school officials shall consider:

1. The student's age and previous behavior patterns.
2. The prevalence and seriousness in the school of the problem to which the search was directed.
3. The urgency requiring the search without delay.
4. The substantive value and reliability of the information used as a justification for the search.
5. The location of the student at the time of the incident which gave rise to reasonable suspicion.

(cf. 5131.6 - Drugs, Alcohol, Tobacco)

(cf. 5131.7 - Weapons and Dangerous Instruments)

Legal Reference:

EDUCATION CODE

49050-49051 Searches by school employees

PENAL CODE

626.9 Firearms

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