

# **San Dieguito Union High School District**

## **Search and Seizure**

BP 5145.12

### **Students**

The Governing Board 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 an individual student, student's property, or district property under student's control when there is a reasonable suspicion that the search will uncover evidence that student's 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, student's property, or district property under 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.

<b>State</b>	<b>Description</b>
CA Constitution Article I, Section 28(c)	<u>Right to Safe Schools</u>
Ed. Code 3228032289	School safety plans
Ed. Code 35160	Authority of governing boards
Ed. Code 35160.1	Broad authority of school districts
Ed. Code 4890048927	Suspension and expulsion
Ed. Code 4905049051	Searches by school employees
Ed. Code 4933049334	Injurious objects
Pen. Code 626.10	Dirks, daggers, knives or razor
Pen. Code 626.9	Firearms
<b>Management Resources</b>	<b>Description</b>
Attorney General Opinion	83 Ops.Cal.Atty.Gen. 257 (2001)
Attorney General Opinion	75 Ops.Cal.Atty.Gen. 155 (1992)
Court Decision	O'Connor v. Ortega, (1987) 480 U.S. 709
Court Decision	Redding v. Safford Unified School District, (9th Cir. 2008) 531 F.3d 1071
Court Decision	Zamora v. Pomeroy, (10th Cir. 1981) 639 F.2d 662
Court Decision	B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260
Court Decision	Horton v. Goose Creek Independent School District, (5th Cir. 1982) 690 F.2d 470
Court Decision	Jennings v. Joshua Independent School District, (5th Cir. 1989) 877 F.2d 313

Court Decision	New Jersey v. T.L.O., (1985) 469 U.S. 325
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, rev. 2005
Website	<u>National Institute of Justice</u>
Website	<u>California Department of Education, Safe Schools</u>
Website	<u>California Attorney General's Office</u>
Website	<u>CSBA</u>

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