

**SEARCH AND SEIZURE**

The County 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 LACOE property under their control and may seize illegal, unsafe, or otherwise prohibited items. School officials shall exercise discretion and use good judgement when conducting searches.

- (cf.0410 - Nondiscrimination in LACOE Programs and Activities)*
- (cf. 0450 - Comprehensive Safety Plan)*
- (cf. 1312.1 - Complaints Concerning District Employees)*
- (cf. 3515 - Campus Security)*
- (cf. 3515.3 - District Police/Security Department)*
- (cf. 5131 - Conduct)*
- (cf. 5131.7 - Weapons and Dangerous Instruments)*
- (cf. 5144.1 - Suspension and Expulsion/Due Process)*
- (cf. 5145.3 - Nondiscrimination/Harassment)*

The County Superintendent or designee will ensure that school administrators and staff who conduct student searches receive training regarding the requirements of LACOE’s policy, related equity issues, administrative regulations and other legal issues, as appropriate.

- (cf. 4131 - Staff Development)*
- (cf. 4231 - Staff Development)*
- (cf. 4331- Staff Development)*

**Searches Based on Individual Suspicion**

School officials may search any individual student, the student’s property, or LACOE 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 LACOE 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, and student vehicles parked on LACOE property.

Any search of a student, the student’s property, or LACOE 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.

## **SEARCH AND SEIZURE (continued)**

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.

*(cf. 6163.4 - Student Use of Technology)*

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 two LACOE 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.

*(cf. 5145.11 - Questioning and Apprehension by Law Enforcement)*

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

All student lockers and desks are the property of LACOE. 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**

The County Board finds that the presence of weapons in the schools threatens LACOE's ability to provide the safe and orderly learning environment to which LACOE students and staff are entitled. The County Board also finds that metal detector searches are one method to keep weapons out of the schools, keep schools safe and mitigate the fears of students and staff.

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

*Legal Reference (see next page)*

## SEARCH AND SEIZURE (continued)

### *Legal Reference:*

#### *EDUCATION CODE*

32280-32289 *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 *Injurious objects*

#### *PENAL CODE*

626.9 *Firearms*  
626.10 *Dirks, daggers, knives or razor*  
1546-1546.1 *Production of or access to electronic communication information*

#### *CALIFORNIA CONSTITUTION*

*Article I, Section 28(c) Right to Safe Schools*

#### *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*  
*Jennings v. Joshua Independent School District, (5th Cir. 1992) 948 F.2d 194*  
*In re Cody S., 121 Cal.App.4th 86, 92 (2004)*  
*Klump v. Nazareth Area School District, (E.D. Pa. 2006) 425 F. Supp. 2d 622, 640*  
*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*  
*O'Connor v. Ortega, (1987) 480 U.S. 709*  
*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:*

#### *NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS*

*The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, 1999*

#### *WEB SITES*

*CSBA: <http://www.csba.org>*  
*California Attorney General's Office: <http://caag.state.ca.us>*  
*California Department of Education, Safe Schools: <http://www.cde.ca.gov/lss>*  
*National Institute of Justice: <http://www.ojp.usdoj.gov/nij>*

**SEARCH AND SEIZURE**

**Use of Metal Detectors**

The County Superintendent or designee will ensure that the following safeguards are used when making metal detector scans:

1. Before walk-through, students shall be asked to empty their pockets and belongings of metallic objects.
2. If an initial metal detector activation occurs, students shall be asked to remove other metallic objects that they may be wearing (e.g., belt and jewelry) and to walk through a second time.
3. If a second activation occurs, a hand-held metal detector shall be used.
4. If the activation is not eliminated or explained, staff shall escort the student to a private area where an expanded search shall be conducted by a staff member of the same gender as the student in the presence of another LACOE employee.
5. The search shall be limited to the detection of the cause of the activation.

**Use of Contraband Detection Dogs**

Contraband detection dogs shall not be used in classrooms or other LACOE facilities when the rooms are occupied, except for demonstration purposes with the handler present. When used for demonstration purposes, the dog shall be separated from the students and not allowed to sniff any individual.

Prior to conducting an inspection, students shall be asked to leave the room that will be subject to the canine sniff. No student shall be forced to leave personal items behind for inspection, unless school officials have reasonable suspicion to search the item.

Only the dog's official handler shall 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 inspection. If a dog alerts on a locked vehicle, the student who brought the vehicle onto LACOE property shall be asked to unlock it for inspection.

*(cf. 5131.6 - Alcohol and Other Drugs)*

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

**SEARCH AND SEIZURE (continued)**

**Notifications**

At the beginning of each school year and upon enrollment, the County Superintendent or designee will inform students and parents/guardians about LACOE's policies and procedures for searches, including notice regarding:

1. The possibility of random searches of students, their belongings, their vehicles parked on LACOE property, and LACOE properties under a student's control, including lockers or desks
2. LACOE's contraband dog detection program
3. The use of metal detector scans

In addition, the County Superintendent or designee will ensure that signs are posted at all schools at which metal detectors are to be used 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.