

Students – Welfare

School Searches

To ensure that school campuses remain safe for students, searches for drugs, weapons, explosives, and stolen property may be conducted by school personnel by necessity without warrants. The administrator should first determine whether the search is within the scope of the administrator's duties and whether the search is reasonable.

Locker Searches

Because student lockers are district property, jointly controlled by the district, school officials shall have the right and ability to open and inspect any student locker at any time when it is reasonable under the circumstances, with or without student permission, including, but not limited to, when they have reasonable suspicion that the locker contains something that would be disruptive to the educational process or dangerous to the health and safety of the students. Whenever lockers are searched:

1. The search should be conducted by the principal, assistant principal, or dean of students;
2. The student(s), if possible, should be forewarned and asked to be present;
3. The administrator should be accompanied by a witness.

Hand-Held Metal Detector Searches for Weapons

A random search of students and visitors may be conducted with hand-held metal detectors in order to deter and to detect the possession of weapons by students on school grounds, on a school bus, or at any school-related or school-sponsored activity. Whenever such a search is performed, the following procedural safeguards shall be observed in order to minimize the intrusion on the privacy of those searched:

1. Advance notice of the possibility of such searches shall be provided. Information shall be issued to all students and their parents at the beginning of each school year, advising them of the possibility of metal detector searches and notices shall be posted at school sites.
2. Prior to searching a student with a hand-held metal detector, the student should be asked to voluntarily empty pockets or purse of metal objects, in order to avoid activating the metal detector. If the metal detector is activated, the student should be given another chance to empty the pockets or purse of any metal objects or to point out any metal objects the student is wearing or carrying, before being subject to any further search.
3. Metal detectors shall be used only as a screening device to determine if any further search for weapons is necessary. Students who activate the metal detector will be subject to a further search.

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4. Any further “pat-down” search of a student or search of a student’s pockets, purse, or bookbag necessitated by the activation of a metal detector should be conducted in a private area and must be conducted by a school administrator or police officer of the same sex. At least one school employee shall be present as a witness. Such a search should be limited in scope to the detection of weapons and dangerous devices.
5. When a search is conducted at a given school site, either every student shall be searched, or a random selection of students shall be searched (e.g., every fifth student). School administrators shall not exercise any discretion in determining which students to search and all students who are searched shall be subject to the same procedures.
6. The foregoing procedures shall be followed with respect to non-students who are visiting a school, except that visitors shall be told that they have the option of leaving the school grounds and not returning that day if they do not wish to submit to a search. At school-related or school-sponsored events at which attendance is not mandatory, students shall also be told they may leave if they prefer not be searched.
7. If the metal detector activates on a person and the source of the alarm is not apparent (i.e., jewelry), the subject will be directed to remove any remaining metal objects before a second scan.
8. If the detector activates again, the principal/designee should direct staff to escort the individual to a private area to conduct a search in accordance with policies and procedures described below in Search Methods After Activation.
9. If the scanner is activated while scanning a bag or parcel, its owner will be required to open the bag or parcel. The contents will be examined to determine what activated the device.
10. The search must be conducted in the presence of at least two persons under the direct supervision of the principal or designee. The person conducting the search will be the same gender as the subject.
11. Before conducting a search of a student’s purse or pockets, the student should be asked to voluntarily empty the contents of purse or pockets. If the student refuses to do so, the search may nevertheless proceed. However, in cases when a student refuses to be searched, a peace officer may be called to conduct the search and parents notified.
12. The student may be searched as follows:
 - a. Only the area of the body which activated the metal detector should be searched.

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- b. Pat the external clothing in the vicinity of pockets, belts, shoulders, and other specific areas for the limited purpose of discovering items that may have activated the metal detector.
- c. If an object is felt, the subject will be asked to remove the object. If the subject refuses to remove the object, the administrator of the same gender may remove the object.
- d. If the object removed could have activated the metal detector, the search will discontinue. The subject will be scanned again and the search will continue only if the metal detector is activated again.

C. Use of Trained Canines

1. Detection dogs may be used to detect the presence of contraband (as defined in Board Policy) in communal areas, vacant rooms, lockers and parking lots (automobiles) by random search without reasonable suspicion. Detection dogs shall not be used in classrooms or other facilities when occupied by district students, and shall not be used to search students, or student belongings in the possession of students, without reasonable suspicion or the student's permission.
2. Prior to employing the canine in a classroom or other facility, the instructor, administrator, or other District designee shall direct the students to vacate the room. ~~and shall notify them that they may remove their personal property.~~ The students shall be directed to another supervised area. Failure to leave an article of personal property behind shall not constitute reasonable suspicion to search the personal property.
3. Only the canine's official handler will determine what constitutes an alert by the canine. If the dog alerts to a particular item or place, the person having custody or control of the item or place shall be called to the scene to witness the search. The search shall be conducted in accordance with District policy and applicable legal standards.
4. If the canine alerts to a locked vehicle, the owner or person having custody and control of the vehicle shall be asked to unlock the vehicle for inspection by the dog and handler. Refusal to open the vehicle will result in referring the matter to the appropriate law enforcement official and the imposition of disciplinary action for willful defiance of authority.
5. Discovery of a prohibited substance or item will result in referral to law enforcement and appropriate imposition of disciplinary action upon employees and students.

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Vehicle Searches

All vehicles driven or parked on district premises shall be subject to a search by District representatives when reasonable under the circumstances, with or without student permission, when they have reasonable suspicion that vehicle contains something that would be disruptive to the educational process or dangerous to the health and safety of the students. his/her vehicle and all of its compartments and contents. Notice of this regulation shall be given by placing appropriate signs at all access points on District parking lots. The administration shall also maintain a written statement of these conditions in the District office and at all school sites.

Searches in Criminal Investigations

If a search of a student is initiated by a peace officer to gather evidence for a criminal investigation, a warrant is normally required and the search must be conducted by the officer. In such circumstances, District staff will defer to the judgment and direction of the peace officer.

Discovery of Weapons (or Other Contraband)

1. When an individual is found to be in possession of contraband, the administrator in charge and/or a peace officer shall immediately be called to the scene.
2. If the contraband is not allowed by law, the peace officer should take custody of the objects and the subject.
3. If the contraband is not illegal but is prohibited by the Education Code or district policy, the site administrator should take custody of the objects and take appropriate administrative action with the student.
4. All property removed from the individual or an individual's locker or vehicle which is not prohibited by law or District policy will be returned to the individual or his or her parent/guardian upon completion of the search.

Individual Searches

In determining whether reasonable suspicion exists, school officials should consider, but are not limited to, the following:

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

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3. the urgency requiring the search
4. the 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

When reasonable suspicion is established, the staff member should immediately contact the administrator in charge and direct the student to an office or separate area from other students. The student should remain under observation at all times until the search begins. At least two people should be present. A metal detector scan may be used. The staff member should ask students to consent to producing the suspected contraband. Students should be directed to empty their pockets, purses, or back packs onto a table and to pull the pockets inside out to demonstrate that they are empty.

School employees should avoid physical contact with student if possible. If students refuse to provide the objects, school employees shall take possession of the purse or other object to examine the contents for contraband materials. If pat down of the outer clothing is determined to be necessary, it should be done by staff of the same gender as the student and must be done quickly with minimal contact. The employee should check the areas around the belt and interior pockets, looking for concealed weapons, drugs, or other contraband. Employees will not conduct strip searches or body cavity searches.

If the student is combative and refuses to cooperate, District personnel should discontinue the attempted search and, depending upon the circumstances, contact law enforcement for appropriate response.

Legal Reference: California Constitution, Article I, Section 28 (c)
Education Code, Sections 35294; 48900; 49050-49051; 49330-49334
Penal Code, Sections 626.6; 626.9; 626.10
Case Law: 75 Ops. Ca. Atty. Gen 155 (1992); Gordon J. v. Santa Ana
Unified School District (1984) 164 C.A. 3d 530, 545; New Jersey v.
T.L.O. (1985) 469 U.S. 325.

Administrative
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LA CAÑADA UNIFIED SCHOOL DISTRICT
La Cañada Flintridge, California