

# **La Canada USD**

## **Board Policy**

### **Search And Seizure**

BP 5145.12

#### **Students**

##### **School Searches**

The Governing Board believes that the preservation of a safe environment for learning is of paramount importance. The possession and use of illegal drugs and the potential possession of weapons, firearms or ammunition endanger the health, safety, and welfare of students and staff. The Board's intent is to prohibit and eradicate the presence of firearms, ammunition, illegal drugs, controlled substances, and intoxicants of any kind on district property or at any school-sponsored event. The Board directs the Superintendent to establish regulations and provide training for school staff in proper search procedures.

##### **Student Search Procedures**

The Board recognizes that incidents may occur which jeopardize the health, safety and welfare of students and staff and which necessitate the search and seizure of students, their property, or their lockers by school officials.

(cf. 5145.11 - Questioning and Apprehension)

1. School officials may search individual students and their property whenever authorized by law or when there is a reasonable 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.
2. Searches will be conducted by or under the supervision of the school site administrator or certificated designee. Searches shall be made in the presence of at least one district employee, preferably of the same gender as the student. Employees will not conduct strip searches or body cavity searches.
3. The parent/guardian of a student subjected to an individualized search shall be notified by the district as soon as possible.

##### **Student Locker Search**

1. All student lockers are district property. Students should not expect, nor shall they possess, any privacy interest in any district locker. The district may change the locks at any time and shall have access to any student locker at any time. The

2. 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, Violate of school rules or dangerous to the health and safety of the students.

Any items contained in a locker shall be considered to be the property of the student to whom the locker was assigned.

### Weapons Deterrence

1. The presence of weapons on district property denies students and staff the right to a safe, secure, and peaceful environment. The district will make a determined effort to prevent the introduction of weapons, to locate and remove any weapons brought on campus, and to use all legal avenues for apprehension and prosecution of perpetrators who bring weapons to school.

2. The Board finds that metal detector searches offer a reasonable and effective means to determine the presence of weapons. Metal detectors may be used to search an individual when there is reasonable suspicion of a weapon or on a random basis as determined by a school administrator.

The district may use metal detectors on school campuses and off campus at school activities. This equipment will be used in a reasonable manner that will minimize intrusion of privacy and maintain respect for all students.

3. The Superintendent shall implement administrative regulations for the use of metal detectors at the district's schools or other facilities used for school activities. This plan will help provide a safe learning and working environment for the students and employees in the district.

### Use of Trained Canines

1. In an effort to keep the school site free of illegal contraband, the district may utilize the services of non-aggressive, trained detection canines to sniff out and alert to substances prohibited by law or district policy. These inspections will be unannounced and will be made at the discretion of the Superintendent or individual school site principal.

2. Canines may sniff the air around lockers, desks, or vehicles on district property or at district-sponsored events. Unless there exists an objectively reasonable suspicion that a student, employee or other individual possesses contraband, canines shall not sniff within the close proximity of students or other persons and may sniff no personal items on those persons without their consent. ~~the canine will not be allowed to sniff the person of a student, employee, patron, visitor or any other individual while on district property or at any district event, nor shall there be search of any personal items on that person, absent consent. The canines will not be used in classrooms or other district facilities when those areas are occupied by students. An administrator, instructor or other district designee shall notify the students of their right to vacate the room and to remove their personal possessions. No person shall be compelled to leave~~

~~personal items behind for search without reasonable suspicion that such person possesses contraband.~~ The canines will **may** be used to sniff lockers, classrooms, common areas, desks, bags, and other personal items voluntarily left in rooms or other common areas, and containers or vehicles that are on district property or adjacent property.

3. Parents and guardians of district students shall be annually notified of the district's use of drug-detection canines in the same manner as other notification required by Education Code section 48980.

### Vehicle Searches

All vehicles parked on any district property shall be subject to comprehensive searches to the maximum extent permitted by law. The administration is directed to post appropriate notices and take all other actions necessary to allow authorized searches of vehicles.

### Information Technology

As condition for using the District Electronic Information System, the district reserves the right, at any time, to review any material (software, peripheral devices, etc.) used on district information system equipment or on personal computers connected to the district network and to monitor users activities to determine if specific uses of the equipment and network are appropriate. Inappropriate use of district technology may result in loss of access privileges and/or disciplinary action.

### Enforcement/Discipline

1. Any student who has unlawfully possessed illegal drugs, a weapon, replicas of weapons, or a dangerous instrument on school grounds, on a school bus, at a school-related or school-sponsored activity, or any student who refuses to submit to a lawful search for illegal drugs, weapons or dangerous instruments, shall be subject to suspension, expulsion, or other disciplinary action.

2. The school principal or the Superintendent must recommend to the Governing Board a student's expulsion for the unlawful possession of a weapon or dangerous instrument on school grounds, on a school bus, or at a school related or school- sponsored activity. In addition to a suspension and possible expulsion, these students shall be reported to law enforcement authorities for potential prosecution for criminal violations. Students also may be suspended if they threaten others or disrupt school activities by exhibiting a replica of a weapon.

3. Students, parents and guardians shall be informed of this policy at the beginning of each school year.

### 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

#### CALIFORNIA CONSTITUTION

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

#### COURT DECISIONS

Redding v. Safford Unified School District, (9th Cir. 2008) 531 F.3d 1071  
B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260  
Jennings v. Joshua Independent School District, (5th Cir. 1989) 877 F.2d 313  
O'Connor v. Ortega, (1987) 480 U.S. 709  
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 (2001)  
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/ls/ss>  
National Institute of Justice: <http://www.ojp.usdoj.gov/nij>

#### Policy LA CANADA UNIFIED SCHOOL DISTRICT

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