

**EL DORADO UNION HIGH SCHOOL DISTRICT  
BOARD POLICY**

**Students**

**SEARCH AND SEIZURE  
BP 5145.12**

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, safety and welfare of students and staff, school officials may search students, their property, and/or district property under their control, and may seize illegal, unsafe, and prohibited items.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3515 - Campus Security)*  
*(cf. 5131 - Conduct)*  
*(cf. 5131.7 - Weapons and Dangerous Instruments)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*

The Governing Board urges that employees exercise discretion and good judgment. When conducting a search or seizure, employees shall act in accordance with law, Board policy, and administrative regulation.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 1312.1 - Complaints Concerning District Employees)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*

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.

*(cf. 4131, 4231, 4331 - Staff Developments)*

**INDIVIDUAL SEARCHES**

*Note: In New Jersey v. TLO, the U.S. Supreme Court held that the legality of a student search and/or his/her belongings depends on whether the search is reasonable. The "reasonableness" of the search depends on two factors: (1) whether there is individualized suspicion that the search will turn up evidence of a student's violation of the law or school rules and (2) whether it is reasonably related to the objectives of the search and not excessively intrusive in light of the student's age, gender, and/or the nature of the infraction.*

School officials may search any individual students, his/her property, and district property under his/her control when there is reasonable suspicion that the search will uncover evidence that the student 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. The types of student property that may be

searched by school officials include, but are not limited to, lockers, desks, purses, backpacks, student vehicles parked on district property, cellular phones, or other electronic communication devices.

Any search of a student, his/her property, or district property under his/her 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.

Employees shall not conduct strip searches or body cavity searches of any student. (*Education Code 49050*)

(*cf. 5145.11 - Questioning and Apprehension*)

### **SEARCHES OF MULTIPLE STUDENT LOCKERS/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.

#### ***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.3d1260*  
*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 (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>

CDE, Safe Schools: <http://www.cde.ca.gov/lc/ss>

National Institute of Justice: <http://www.ojp.usdoj.gov/nij>