



## **ADMINISTRATIVE PROCEDURE**

CATEGORY: **Support Services, Security Program**

SUBJECT: **Searches and Seizures by School Officials**

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### **A. PURPOSE AND SCOPE**

1. To outline administrative procedures governing a school official conducting searches of a student's person, locker, desk, car, etc., for dangerous weapons, stolen property, contraband, drugs, or alcohol; and seizure of such, on district property.
2. **Related Procedures:**  
Drugs, Narcotics, Alcohol – General ..... 5140

### **B. LEGAL AND POLICY BASIS**

1. **Reference:** Board policies G-1000, G-1001, H-6000, and I-4400; California Education Code §49050.
2. The California Code of Regulations charges school officials with the "moral condition" of their schools and specifically charges them to eliminate "gambling, immorality, profanity and the use or possession of tobacco, intoxicating liquor, narcotics, or other hallucinogenic or dangerous drugs, or substances." School officials such as administrators and teachers act as representatives of the State, and are, therefore, governed by the Fourth Amendment to the United States Constitution, which precludes unreasonable searches and seizures. It is necessary that the search is within the scope of the school administrator's duties and that the action taken be reasonable before a court will uphold the search. Also, an unreasonable search may lead to a lawsuit seeking damages for civil rights violations.

### **C. GENERAL**

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to Legal Services.
2. **Legality of Searches by School Officials.** A school official may conduct a student search under the following conditions. (For purposes of this section, a school official means a site administrator, a teacher, a school police officer, or a school district employee acting under the direction of the site administrator, a teacher, or a school police officer.)
  - a. A test of the legality of a school search is whether there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school.
    - (1) A search must be based on information that would lead the school official to believe that property, discipline, health, or safety of students or staff is threatened. If such information is received, a search may be conducted of the student's person (pockets, billfolds, purses, glass cases, etc.), locker, desk, car, etc.
    - (2) This authority is generally exercised to determine if a student is harboring dangerous weapons, stolen property, contraband, drugs, or alcohol.
  - b. Reasonableness of the search will depend on reliability of the information upon which the need is based, seriousness of the offense suspected, and the urgency of the

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situation. Often, information is provided by another student; the school official must assess reliability of the student giving the information, degree of danger to others, and immediacy of the need for a search.

- c. The scope of the search should not be excessively intrusive in light of the age and the sex of the student and the nature of the infraction.
- d. Searches by non-peace officer staff that involve the removing or arranging any or all of the clothing of a student to permit a visual inspection of the underclothing, breast, buttocks, or genitalia of the student are prohibited by California Education Code.

**3. Rules Related to Conduct of Searches.**

- a. When lockers are assigned to students, students shall be made aware of the need for both regular and emergency inspections and/or searches.
- b. Whenever possible, an adult witness shall be present when a search is believed necessary.
- c. Whenever possible, the student shall be present if his/her locker or car is being searched. Caution should be exercised in the search of a student's vehicle. If the student is present, it may be searched when there is reasonable cause to believe that the vehicle contains contraband or anything that may endanger the health and welfare of other persons. A search of an unlocked student vehicle in the absence of the student should be conducted only in emergency situations (i.e., cases of serious and immediate danger to health and welfare and/or property).
- d. Contact School Police Services or other law enforcement professionals for assistance if there is doubt as to the nature of the contents found.
- e. To minimize embarrassment to the student being searched, searches of students shall be conducted out of the presence of other students.
- f. Document (or keep records on) the basis for the search.

**4. Contracts for Dog Sniff Searches.**

- a. A district middle or high school may conduct random dog sniff searches on school grounds. Before conducting such a search, the middle or high school principal shall contact School Police Services for review and approval. If approved, School Police Services will determine whether to utilize its own canine unit or a qualified contracted vendor or other law enforcement agency.
- b. Any contract with a vendor for dog sniff searches must be submitted by School Police Services through the district's established contract approval process to the Board of Education for approval.
- c. Any random dog sniff searches must adhere to the following limitations:

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- (1) Dog sniff searches may be performed on student lockers; unattended automobiles in school parking lots; and empty classrooms when students are not present and have left personal belongings in the classroom.
  - (2) Dog sniff searches may not be performed on the person of a student; on backpacks, purses or other personal items on a student's person; and students cannot be directed to leave a classroom and leave their personal belongings in the classroom for a dog sniff search.

**D. IMPLEMENTATION** (See Section C.)

- 1. School Police Services shall ensure that notice is given to students and parents regarding the extent of use of dog sniff searches at district middle and high schools.

**E. FORMS AND AUXILIARY REFERENCES**

**F. REPORTS AND RECORDS**

- 1. Document (or keep records on) the basis for the search.

**G. APPROVED BY**



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General Counsel, Legal Services  
As to form and legality

**H. ISSUED BY**



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Chief of Staff