

LODI UNIFIED SCHOOL DISTRICT

Policy 5145.12

Students

Search and Seizure

The Board of Education is committed to maintaining an environment for students and staff that is safe and conducive to learning and working. The Board recognizes that incidents may occur which jeopardize the health, safety and welfare of students and staff which necessitate the search and seizure of students and their property, or school property including lockers, by school officials.

School officials may search students and their property when there are reasonable grounds or 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. The Board urges that discretion, good judgment and common sense be exercised in all cases of search and seizure.

When possible, staff shall use a metal detector when searching an individual for weapons.

The district shall notify the parent/guardian of a student subjected to an individualized search as soon after the search as possible.

The Board finds that the growing presence of weapons in the schools threatens the district's ability to provide the safe and orderly learning environment to which our students and staff are entitled. The Board also finds that random metal detector searches offer a reasonable means to keep weapons out of the schools and mitigate the fears of students and staff.

The Superintendent or designee shall establish procedures which ensure that metal detector searches are conducted in a random fashion which excludes individual discretion as to who will be searched.

Searches for the location of controlled substances (including substances represented as illegal substances), alcoholic beverages, intoxicants of any kind, firearms, knives, explosives, dangerous objects, drug paraphernalia, poisons and stolen or missing properties are matters relating to the health and safety of students and staff and may be regarded as reasonable purposes for inspection by school personnel.

In an effort to keep the schools free of drugs and weapons, the district may utilize the services of trained detection canines to sniff out and alert staff to the presence of substances and/or items prohibited by law and/or district policy. The detection canines may sniff lockers, desks, bags, personal effects or vehicles on school property or at school-sponsored events, but shall not be permitted to sniff any person or be used in classrooms occupied by students except for demonstration purposes.

Inspections may be unannounced and may be made at the discretion of the Superintendent or a designee. Students and employees shall be informed of this policy at the beginning of each school year.

- Legal References:
- Education Code
 - 35160 Authority of governing boards
 - 35160.1 Broad authority of school districts
 - 32280 – 32288 School safety plans
 - 49050-49051 Searches by school employees
 - 49330-49334 Injurious objects
 - Penal Code
 - 626.9 Firearms
 - 626.10 Dirks, daggers, knives or razor; bringing into or possession of upon or within public school ground; exception
 - Court Decisions
 - B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260
 - O'Connor v. Ortega, (1987) 107 S.Ct. 1492
 - 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
 - 75 Ops.Cal.Atty.Gen. 155 (1992)

- Policy
- adopted: 01/08/96
 - revised: 06/02/98
 - revised: 02/20/01
 - revised: 05/03/05 (technical revision)
 - revised: 05/19/09