

SEARCH AND SEIZURE

Procedure For Search And Seizure

A student search may be conducted under the following conditions by a school official. For purposes of this section, a school official means a site administrator. In all cases involving search and seizure, good judgment and common sense must be exercised.

1. A student's person or property may be searched whenever there is a reasonable suspicion that the student is violating or has violated the law or rules of the school, and would have in his or her possession contraband, illegal substances or articles which threaten the school's discipline, or the health and/or safety of students and/or staff.
2. In determining whether reasonable cause for a search exists, school officials shall consider:
 - a. The age, sex, history and school record of the student
 - b. The prevalence and seriousness of the problem in the school to which the search was directed
 - c. The urgency requiring the search without delay
 - d. The substantive value and reliability of the information used as a justification for the search
3. A search must be based on facts that would lead the school official to believe that property, discipline, health and/or safety of students and/or staff is threatened. The search of a student may not be based on mere curiosity, rumor, or hunch. If such facts are presented, a search may be conducted of the student's person or possessions, including but not limited to pockets, billfold, purse, glasses case, backpack, locker, desk, and automobile.
4. The reasonableness of the search will depend on the reliability of the information received. After information is provided by another student, the school official must consider the reliability and veracity of the student giving the information before pursuing a search.
5. In most instances, when a search of personal possession or property is to occur, the student should have the opportunity to be present unless the student is absent from school or it is determined that the student's presence would endanger his/her health, safety or welfare. In such cases where the student is not present he/she should be notified of such action as soon thereafter as possible.
6. The parent/guardian of the student being searched shall be notified by the school official. Notification shall take place before the search is conducted if at all possible. If the nature of the incident precipitating the search is such that prior notification is not possible, the parent/guardian shall be notified as soon after the search as possible.
7. 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 it contains contraband or anything which may endanger the health and safety of other students. A search of an unlocked student vehicle in the absence of a student should be conducted only if the site administrator considers the situation to be an emergency, i.e., immediate harm or danger to the safety and welfare of others or their property.

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8. Any search involving the disrobing of a student (strip search) is prohibited.
9. At the time lockers, desks, and student storage areas are issued, students should be informed of the conditions and use governing the lockers by the posting of a notice to the effect that student lockers, desks, and storage areas remain the property of the Salinas Union High School District. When there is a reasonable suspicion based on articulable facts that a student or students are violating or have violated the law or the rules of the school, desk and locker searches are justified for the purpose of seizing drugs and alcohol, dangerous weapons, or any other property which is not properly in the possession of students.
10. The principal of the school shall cause a written report to be prepared describing the basis for the conclusion that reasonable suspicion based on articulable facts existed to conduct a search. A copy of the report, together with a description of the search, shall be maintained in a permanent file for inspection by the pupil's parents or guardians. The report shall not be included as part of the pupil's permanent records.

Guidelines Related To The Conduct Of A Search

1. Searching of students should be conducted out of the presence of other students to minimize possible embarrassment to the student being searched. Search of a pupil's person shall be made by an individual of the same sex as the pupil being searched; the search shall be made in the presence of a third party of the same sex as the pupil being searched.
2. Whenever possible, the parent/guardian of the student to be searched shall be notified prior to the search.
3. When students are assigned desks, lockers, or other storage areas for their possessions, they should be made aware that these may be searched whenever there is a reasonable suspicion that an individual student has violated or is violating either the law or the rules of the school and evidence of this violation will be found in a desk, locker, or other storage area in the possession of the student.
4. Whenever possible, when searching a student's locker or car, the student should be present.
5. If there is any doubt as to the contraband discovered, a law enforcement agency should be contacted, or other professional help.
6. Whenever a search and/or seizure occurs, the incident should be recorded fully, with particular reference to the basis of determining reasonable suspicion. Both the school official and the witness shall sign the report.

Use of Metal Detectors

The following procedures shall be followed when making metal detector scans:

1. Students shall be asked to empty their pockets of metallic objects.
2. If an initial activation occurs, students shall be asked to remove other metallic objects they may be wearing (e.g., belt and jewelry).

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3. If the activation is not eliminated or explained, staff shall escort the student to a private area.
4. In the private area, an expanded search shall be conducted by a staff member of the same gender as the student, in the presence of another District employee.
5. The search shall be limited to the detection of weapons.

Use of Drug-Detection Dogs

Drug-detection dogs shall not be used in rooms occupied by persons except for demonstration purposes, with the handler present. When used for demonstration purposes, the dog shall be separated from the students and not allowed to sniff any individual.

Only the dog's official handler shall determine what constitutes an alert by the dog. If the dog alerts on a particular item or place, the student having the use of that item or place, or responsibility for it, shall be called to witness the search. If a dog alerts on a locked vehicle, the student who brought the vehicle onto District property shall be asked to unlock it for inspection.

(cf. [5131.6](#) - Alcohol and Other Drugs)

(cf. [5144](#) - Discipline)

(cf. [5144.1](#) - Suspension and Expulsion/Due Process)

Notifications

At the beginning of each school year and whenever students are assigned lockers, desks or other District property, the Superintendent or designee shall inform students and parents/guardians of the possibility of random searches of students, their belongings and District properties under their control.

Upon enrollment and at the beginning of each school year, students and parents/guardians shall receive notice that the District uses metal detector scans, drug detection, dogs, and breathalyzers as part of its program to promote safety and deter the presence of weapons.

Issued: 4/22/86

Revised: 9/14/04