

**SAN LORENZO
UNIFIED SCHOOL DISTRICT
BOARD POLICY**

Students

BP 5145.12 (a)

Search and Seizure

USE OF DRUG AND CONTRABAND DETECTION CANINES

The Governing Board places a high priority on school safety for students and staff. A part of school safety is keeping schools free from the presence of illegal or unsafe items which include: illegal drugs, alcoholic beverages, firearms, pyrotechnics, weapons and tobacco. The Board hereby finds that the District has a serious problem with the presence of drugs and other dangerous items on the specific school grounds where the canines will be used.

In an effort to keep the schools free of illegal drugs and other dangerous items, the District may use specially trained, nonaggressive canines to sniff out and alert staff to the presence of substances prohibited by law or Board policy. Based on information concerning the high degree of training and reliability of detection canines, and their certification by a reliable and independent organization/person along with reliable validation records of canines, the Board finds that trained detection canines are reliable concerning the detection of drugs and other prohibited items.

Student vehicles, lockers, desks and other unattended objects in public areas are subject to suspicionless, periodic, random unannounced inspections by trained detection canines which sniff the exterior surface areas for prohibited items which may be stored within. School personnel shall choose at random the areas, including classrooms, to be inspected. The canines may sniff the air around such objects on or adjacent to school grounds or at District-sponsored events as long as they are not allowed to sniff within the close proximity of any students' persons. If a trained detection canine "alerts" to the presence of a prohibited item within the vehicle or object, reasonable suspicion shall exist for the District to open and search the vehicle or object and any closed container(s) or item(s) within the vehicle or object.

The inspections should be conducted in a manner that minimizes the degree of intrusiveness. Site administrators shall limit the scope of their search to items which are prohibited by school rules (i.e., illegal drugs, alcoholic beverages, firearms, pyrotechnics, weapons and tobacco).

A second adult witness shall be present whenever a site administrator searches a student's vehicle, locker or other object as authorized by this policy. Except where factors of health, safety or welfare of the campus dictates otherwise, reasonable efforts shall be made to inform the student of the grounds for the inspection and search, and to give the student the opportunity to be present.

Pursuant to Vehicle Code section 21113(A), notices shall be posted on District property permitting suspicionless searches of all vehicles.

Use of Drug-And Contraband-Detection Canines

Items removed by a site administrator during a search shall be identified and placed in a secure location accessible only to school officials or, when appropriate, turned over to law enforcement authorities. The student shall be given an opportunity to explain the presence of the items.

Appropriate disciplinary action may be taken in accordance with the District's discipline policies and procedures, and when appropriate law enforcement authorities shall be notified.

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

Legal Reference:

EDUCATION CODE

32280-32288 School safety plans
35160 Authority of governing boards
35160.1 Broad authority of school districts
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

Marner v. Eufaula City School Board (Ala 2002) 204 F.Supp.3d 1318
Bundick v. Bay City Independent School District (Tex 2001) 140 F.Supp.2d 735
B.C. v. Plumas (9th Cir. 1999) 192 F.3d 1260
Hearn v. Board of Public Education (11th Cir. 1999) 191 F.3d 1329
People v. \$48,714 United States Currency (1997) 58 Cal.App.4th 1507
Vernonia School District v. Acton (1995) 115 S.Ct. 2386
Jennings v. Joshua Indep. Sch. Dist. (5th Cir. 1989) 877 F.2d 313
O'Connor v. Ortega (1987) 107 S.Ct. 1492
New Jersey v. T.L.O. (1985) 469 U.S. 325
In re William G. (1985) 40 Cal.3d 550
United States v. Knotts (1982) 460 U.S. 276
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:

WEB SITES

California Attorney General's Office: <http://caag.state.ca.us> CDE, Safe Schools and Violence Prevention Office: <http://www.cde.ca.gov/spbranch/safety>

Search And Seizure

The Governing 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)

Individual Searches

School officials may search individual students and their property 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.

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 other district employee, preferably of the same gender as the student. Employees will not conduct strip searches or body cavity searches. 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.

Student Lockers

Because lockers are under the joint control of the student and the district, school officials shall have the right and ability to open and inspect any school locker without student permission when they have reasonable suspicion that the search will disclose evidence of illegal possessions or activity or when odors, smoke, fire and/or other threats to student health, welfare or safety emanate from the locker.

For health and safety reasons, a general inspection of school properties such as lockers and desks may be conducted on a regular, announced basis, with students standing by their lockers or desks.

Any items contained in a locker shall be considered to be the property of the student to whom the locker was assigned. Notice of this policy shall be given to all students when lockers are assigned.

Random Use of Metal Detectors

The presence of weapons on school sites denies students and staff the right to a safe, secure and peaceful campus. 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 our schools.

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 the school principal.

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

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.

(cf. 0450-Comprehensive Safety Plan)
(cf. 5131.7 - Weapons and Dangerous Instruments)
(cf. 5144.1 - Suspension and Expulsion/Due Process))

Use of Trained Dogs

In an effort to keep the schools free of drugs, firearms and explosives, the district may use specially trained nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by law or district policy. The dogs may sniff the air around lockers, desks, bags, items or vehicles on district property or at district-sponsored events as long as they are not allowed to sniff within the close proximity of any students.

The above inspections shall be unannounced and may be made at the discretion of the Superintendent or designee.

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

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Adopted: May 6, 2008