

Lewis Center for Educational Research

BP 5145 STUDENTS: SEARCH AND SEIZURE

Adopted: March 16, 2009

Revised:

The Lewis Center for Educational Research (LCER) recognizes and has determined that the occurrence of incidents which may include the possession of firearms, weapons, alcohol, controlled substances, or other item of contraband prohibited by law, or the LCER rules and regulations, jeopardizes the health, safety and welfare of students and the LCER employees. Incidents which jeopardize the health, safety and welfare of students and the LCER employees may necessitate the search of students and their property, student use areas, student lockers and/or student automobiles and may necessitate the seizure of any illegal, unauthorized or contraband materials in the search.

The California Constitution requires that all students and staff of public schools have the inalienable right to attend campuses which are safe, secure, and peaceful. As such, the LCER adopts this policy outlining the search of students and their property, student use areas, student lockers and/or student automobiles and the seizure of illegal, unauthorized or contraband materials in the search.

NOTICE

A summary of this policy shall be placed in the Student Handbook and other materials, as appropriate, to be disseminated by the LCER to students, parents and/or guardians and the LCER employees at the commencement of each school year and upon enrollment. In addition, the LCER shall place signs and/or other posted notifications on campus regarding this policy, as appropriate. This policy shall be in affect for any and all school sponsored activities, on or off campus.

STUDENT SEARCHES

A student's person and/or personal effects (e.g. backpack, purse, etc.) may be searched if a school official has reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the LCER rules and regulations, including, but not limited to, possession of illegal, unauthorized or contraband materials. Illegal, unauthorized or contraband materials include those materials which are dangerous to the health or safety of students or school personnel, are disruptive or potentially disruptive, or which have been cited as unauthorized in school rules or regulations.

Clear, distinct facts must support a school official's reasonable suspicion that a search is justified. In no case shall a search be conducted if predicated on mere curiosity, rumor or hunch.

Any search of a student and/or their personal effects shall be conducted by a school official of the same gender as the student and in the presence of another adult witness. The extent or scope of the search shall be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the pupil and the nature of the infraction. For example, if a school official has reasonable suspicion to believe that a student has on his or her person an item imminently dangerous to the student or others, a more intrusive search of the student's person may be conducted. In no case shall a strip search be conducted by school officials. These types of searches are prohibited by law and require a student to remove or arrange some or all of their clothing, and undergo the inspection of parts of the student's body.

A search of a group of students where no particular student within the group is suspected may be conducted only if there is reasonable suspicion of conduct imminently dangerous to students, others or school property.

STUDENT USE AREAS

Student use areas, including, but not limited to, instructional and recreational space, are school property and remain at all times under the control of the LCER. Periodic general inspections of instructional space and other areas of the school may be conducted by school officials for any reason at any time without notice.

METAL DETECTORS

Metal detectors may be used to search a student's person and/or personal effects whenever a school official has reasonable suspicion to believe that the student is in possession of a weapon. The search must be conducted by a school official.

Searches involving metal detectors shall be minimally intrusive and involve the use of neutral criteria for selection. Metal detectors shall not touch students during the search and students will only be required to open pockets or jackets if the wand is triggered. For example, if the metal detector goes off during a search, a school official shall have reasonable suspicion justifying a separate search of a jacket, backpack, etc.

CANINE SEARCHES

School officials may use trained detection dogs in inspections for illegal, unauthorized or contraband materials in school facilities, grounds and school parking lots. All dogs must be accompanied by a qualified and authorized trainer who is responsible for the dog's actions and who can verify the reliability and accuracy in sniffing out contraband. Trained detection dogs may sniff lockers, student motor vehicles or other inanimate objects throughout school property. Such inspections are not considered searches and do not require reasonable suspicion.

An indication by the dog that illegal, unauthorized or contraband materials are present on school property shall constitute reasonable suspicion, authorizing school officials to

search locker, vehicle, or other inanimate object and closed containers and objects within, without securing the consent of the student.

Dogs may not be used for random searches of students or other persons. Dogs may not be used to sniff the person of students, nor objects within their immediate control, such as backpacks, purses and outer garments, without reasonable suspicion preceding such a search.

LOCKERS

Student lockers are school property and remain at all times under the control of the LCER. However, students shall assume full responsibility for the security of their lockers. Student lockers may not be used to store illegal, unauthorized or contraband materials.

The acceptance and use of locker facilities on school campus by any student shall constitute consent by the student to the search of such locker facilities by authorized school personnel and or law enforcement.

VEHICLES

Students are permitted to park on school premises. However, any public school ground utilized by any student contained therein or any other area that may be set aside for the personal use of the students remains under the exclusive control of the LCER. As such, student vehicles may not be used to store illegal, unauthorized, or contraband materials.

The acceptance and use of the parking facilities for privately owned vehicles on school campus by any student shall constitute consent by the student to the search of such vehicles by authorized school personnel and/or law enforcement.

The LCER retains the authority to patrol and inspect student parking lots at any time though the use of trained detection dogs. These inspections shall not be arbitrary, capricious, or discriminatory. Either all vehicles must be inspected or the vehicles to be inspected must be randomly selected.

SEIZURE OF ILLEGAL, UNAUTHORIZED, OR CONTRABAND MATERIALS

If a lawfully conducted search yields illegal, unauthorized, or contraband materials, such materials shall be turned over to the proper legal authorities for ultimate disposition.

DISCIPLINE

If illegal, unauthorized or contraband materials are discovered, school officials may impose discipline upon the student(s) (including suspension and/or expulsion) in accordance with the LCER's discipline policies and procedures. The LCER shall notify law enforcement authorities if any search and/or seizure results in the discovery of illegal contraband.