

**SEARCH and SEIZURE**

The Superintendent or designee shall ensure that staff members who conduct student searches receive training regarding the requirements of the District's Board Policy and Administrative Regulation and other legal issues, as appropriate.

**Individual Searches**

The Fourth Amendment of the U.S. Constitution, which prohibits unreasonable search and seizure, also applies to students in the school setting. In *New Jersey v. T.L.O.*, the U.S. Supreme Court held that the legality of a search of a student and/or his/her belongings depends on whether the search is "reasonable."

The "reasonableness" of a search depends on two factors: (1) whether there is individualized suspicion that the search will turn up evidence of a student's violation of the law or school rules, and (2) whether the search is reasonably related to the objectives of the search and not excessively intrusive in light of the student's age, gender, and/or the nature of the infraction.

The law regarding searches of students' cellular phones, personally owned computers, or other personal communications devices is still developing. When the student brings an electronic device onto school grounds, it may be searched by school officials, but the search is subject to the same legal standards as a search of other student property, such as a backpack or purse. Therefore, when searching a student's personally owned electronic device, the District staff member will have individualized suspicion that the search will lead to evidence that the student is violating a specific law or school rule and the scope of the search must be reasonably related to that violation. These standards for personally owned items are not applicable to a district's right to monitor a student's use of District-owned computer equipment or networks, subject to the District's Acceptable Use Agreement; see BP/AR 6163-Acceptable Use of Technology and Electronic Information Resources.

Any search of a student, his/her property, or district property under his/her control shall be limited in scope and designed to produce evidence related to the alleged violation. Factors to be considered by school officials when determining the scope of the search shall include the danger to the health or safety of students or staff members, such as the possession of weapons, drugs, or other dangerous instruments, and whether the item(s) to be searched by school officials are reasonably related to the contraband to be found. In addition, school officials shall consider the intrusiveness of the search in light of the student's age, gender, and the nature of the alleged violation.

Employees shall not conduct strip searches or body cavity searches of any student. (Education Code 49050).

Searches of individual students shall be conducted in the presence of at least two District employees.

Fullerton Joint Union High School District  
**AR 5805(b)**

The Principal or designee shall notify the parent/guardian of a student subjected to an individualized search as soon as possible after the search. (cf. 5145.11 - Questioning and Apprehension by Law Enforcement)

### **Reasonable Suspicion**

School officials may search any individual student, his/her property, or District property under his/her control when there is a reasonable suspicion that the search will uncover evidence that he/she is violating the law, Board Policy, Administrative Regulation, or other rules of the District or the school. School officials may not search a student's cell phone or other electronic device due to mere possession of the device in violation of school rules in the absence of reasonable suspicion that the student has used the device to violate the law or school rules. 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 or adjacent to District property and regularly used by students as parking during and after school hours, cellular phones, or other electronic communication devices. Searches may not be conducted to find evidence of other student's violations of the law or school rules.

### **Use of Metal Detectors**

An Attorney General opinion (75 Ops.Cal.Atty.Gen. 155 (1992)) states that the reasonable use of metal detectors to deter the presence of weapons in schools is appropriate without individualized suspicion.

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

Metal detectors may be used at randomly selected schools or that students will be searched when the administrator has reasonable suspicion or general concern for the safety of all students. Neutral criteria will be applied so that the persons conducting the search do not exercise discretion in determining whether specific persons are targeted or selected for the search.

The Superintendent or designee shall use metal detectors at District schools as necessary to help provide a safe learning environment. He/she shall establish a plan to ensure that metal detector searches are conducted in a uniform and consistent manner.

Legal Reference:

EDUCATION CODE

32280-32289 School safety plans  
35160 Authority of governing boards  
35160.1 Broad authority of school districts  
48900-48927 Suspension and expulsion  
49050-49051 Searches by school employees  
49330-49334 Injurious objects

PENAL CODE

626.9 Firearms  
626.10 Dirks, daggers, knives or razor

CALIFORNIA CONSTITUTION

Article I, Section 28(c) Right to Safe Schools

COURT DECISIONS

New Jersey v. T.L.O., (1985) 469 U.S. 325

ATTORNEY GENERAL OPINIONS

83 Ops.Cal.Atty.Gen. 257 (2001)  
75 Ops.Cal.Atty.Gen. 155 (1992)

Management Resources:

NATIONAL INSTITUTE OF JUSTICE PUBLICATIONS

The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide  
for  
Schools and Law Enforcement Agencies, 1999

WEB SITES

CSBA: <http://www.csba.org>  
California Attorney General's Office: <http://caag.state.ca.us>  
California Department of Education, Safe Schools: <http://www.cde.ca.gov/lr/ss>  
National Institute of Justice: <http://www.ojp.usdoj.gov/nij>