

OFFICE OF THE SOLANO COUNTY SUPERINTENDENT OF SCHOOLS

Series 5000 – STUDENTS

Policy 5145.12

Search and Seizure

As necessary to protect the health, safety, and welfare of students and staff, school officials may search students, their property and/or Solano County Office of Education (SCOE) property under their control, and may seize illegal, unsafe, and prohibited items. The County Superintendent requires that discretion, good judgment, and common sense be exercised in all cases of search and seizure.

Individual Searches

School officials may search individual students, their property, and SCOE property under their control, when there is a reasonable suspicion that the search will uncover evidence that the student is violating the law, SCOE policy, administrative regulation, or other rules of SCOE or the school.

Employees shall not conduct strip searches or body cavity searches of any student.

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

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

Use of Drug-Detection Dogs

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

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 SCOE property shall be asked to unlock it for inspection.

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

Policy 5145.12 (Continued)

Legal Reference: (Continued)

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

83 Ops.Cal.Atty.Gen. 257 (2000)

75 Ops.Cal.Atty.Gen. 155 (1992)

Policy Cross-Reference:

5131.6 Alcohol and Other Drugs

5144 Discipline

5144.1 Suspension and Expulsion/Due Process

5145.11 Questioning and Apprehension