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## **SEARCH AND SEIZURE**

### **Safe School Environment Goals**

The Board of Education recognizes the benefits to students and staff of a safe educational environment. The Board is committed to the goal of a safe, caring, nondiscriminatory school climate which is conducive to learning and enables students to feel safe and realize their full potential.

The Board supports both a proactive approach and early intervention to curb school violence, crime, drug and alcohol abuse, and other negative detractors to the school learning environment.

The Board shall authorize the superintendent or designees to develop a comprehensive district-wide school safety plan, with site level participation, in order to ensure compliance with law, Board policy and administrative procedure.

### **Search and Seizure**

To maintain order and discipline in the schools and to protect the safety and welfare of students and personnel, school authorities may physically search a student, as well as his/her effects including, but not limited to, student lockers, desks, cubby holes, clothing, backpacks, purses, book bags, brief cases and other such containers, or student automobiles based upon reasonable suspicion, meaning whether there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. Such a search will be permissible in its scope when the measures adopted are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the infraction. Because student lockers, desks, cubby holes and similar storage areas are the property of the district and because the control of such areas is joint as between the student and the district, these areas are subject to search at any time.

In general, immediately prior to undertaking a search, it will be appropriate for school authorities to question the student about the incident and/or object of the search. While consent is not necessary upon a reasonable suspicion to search, in general, a student will be provided with the opportunity to consent.

Reasonable suspicion searches may be conducted of a student while the student is on school grounds, under school or district supervision and/or while engaged in a school or district activity. The products of such a search may be turned over to the proper legal authorities, including, but not limited to, the Chico Police, Butte County Sheriff, and/or utilized by the district itself for ultimate disposition and/or use as evidence. Appropriate school disciplinary action will be implemented.

### **Detection Devices**

The Board believes that the presence of drugs, weapons, vandalism, theft and violence in the schools threatens the district's ability to provide an appropriate learning environment. The Board believes that the proper use of detection devices, such as, but not limited to, metal detectors, surveillance cameras, drug sniffing canines, and/or substance detectors may be necessary to further the goal of an appropriate school environment.

Such detection devices shall be utilized only under the direction of the Superintendent in consultation with legal counsel and site administration.

Parents/students will be notified annually regarding the use of detection and surveillance devices.



**Chico Unified School District**

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Board Policy: #5145.12

Section: 5000 Students

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## High School Undercover Operations

The Board believes that the use of narcotics officers working in undercover roles on high school campuses may be necessary under certain circumstances. Such officers shall be utilized only under the direction of the Superintendent in consultation with legal counsel and site administration. Such operations will be undertaken in a manner to ensure the safety of students.

*Legal Reference:*

EDUCATION CODE

35160 Authority of governing boards

35160.1 Broad authority of school districts

35294-35294.9 School safety plans

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

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 (2001)

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>