



Chico Unified School District

1163 East Seventh Street, Chico, CA 95928-5999
(530) 891-3000

**Administrative
Regulation:**

#5145.12

Section: 5000

Students

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SEARCH AND SEIZURE

Students are subject to search and seizure upon reasonable suspicion. School officials may conduct searches of students and their property when, among other reasons, there is reasonable suspicion that students may be in possession or control of drugs, weapons, alcohol and other materials ("contraband") in violation of school policy or state laws. All school property, including, but not limited to, lockers, desks, cubbies and parking facilities, shall remain under the control of school officials and shall be subject to search at any time for any reason. The Administration may utilize various detection devices while conducting searches.

Definitions

"Contraband" is all substances or materials, the student possession of which is prohibited by school policy or state law, including, but not limited to, controlled substances, drugs, drug paraphernalia, alcohol or alcoholic beverages, abusable glue or aerosol paint, guns, knives, weapons, any object determined to be used as a weapon, and incendiary devices.

"Reasonable suspicion" is the standard for student search on school property or at school related events, and is based on the school official's specific reasonable inferences which the school official is entitled to draw from the facts and/or circumstances in light of the school official's experience and training. Specific reasonable inferences may be drawn from, but are not limited to:

1. The student's age and previous behavior patterns.
2. The prevalence and seriousness in the school of the problem to which the search was directed.
3. The urgency requiring the search without delay.
4. The substantive value and reliability of the information used as a basis for the search.
5. The location of the student at the time of the incident which gave rise to reasonable suspicion.

"School property" is defined as student lockers, desks, cubbies, parking lots and other such property owned by the school. The school exercises exclusive control over school property, and students should not expect privacy regarding items placed in school property, as school property is subject to search at any time by school officials. Students are responsible for whatever is contained in desks and lockers issued to them by the school.

The Person

Students and their effects are subject to being searched by school officials upon reasonable suspicion.

Procedure to Search the Person

When a school official has reasonable suspicion to believe that contraband or other materials in violation to law or school rules is present, he or she may institute a search. Although the following procedures for a search are suggested, they are not mandated because the circumstances attendant to the need for each search may vary. 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.

If the student refuses to relinquish the item(s), or indicates that they do not have any illegal item(s), the principal/designee may ask the student to empty the pockets of their jacket, pants, skirt, dress, and shirt, where the item(s) might be located. If the item(s) are found, the principal/designee may confiscate them. If the student refuses to empty their pocket or if the student does empty their pockets but no items in questions are uncovered, the principal/designee may, if reasonable suspicion still exists, search the student by patting down the outer body of the student. If, however, such a search poses a reasonably foreseeable danger to any person, including the principal/designee and the student to be searched, the principal/designee shall contact local law enforcement agency personnel to conduct the search.



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Pat Down Search of Person

When a pat down search is necessary, it must be done by an employee of the same gender as the student. A pat down search shall be made in the presence of an administrator and at least one district employee of the same gender as the student. Employees shall not conduct strip searches or body cavity searches.

Student Property

Procedure for Search of Student Property

School administration officials are authorized to search students' property. The term "student property" includes, but is not limited to, vehicles, bags, purses and backpacks located on school property locked or unlocked, while located on school property, when there is a reasonable suspicion that the student possesses items that violate the law or rules of the school.

If the principal/designee has reasonable suspicion that a search of student's property will uncover items that violate the law or rules of the school, the principal/designee shall so inform the student. The student shall be requested to voluntarily unlock property to be searched and to relinquish to the principal/designee items that may violate the law or rules of the school. If the student refuses to comply, the principal/designee shall search the property or request assistance from a law enforcement agency.

Search of Automobiles

Automobiles on school property are subject to search by a school official if a school official has reasonable suspicion to believe that contraband is in or on the automobiles or to determine ownership.

Search of Contents of Lockers, Desks and Cubbies

Lockers, desks, and cubbies are the property of the district. The principal/designee is authorized to search the contents within the property of the district when there is reasonable suspicion that the contents violate the law or rules of the school.

Student(s) may be notified that a locker, desk or cubbies search is to be conducted and asked to voluntarily unlock the locker(s). If student refuses to voluntarily unlock the locker, principal or designee may open and search the locker.

If items are found which violate the law or rules of the school, the items shall be confiscated. If the student is not present at the locker when it is opened, the student shall be brought to the office as soon as is reasonably possible.

School Property

Lockers, desks and cubbies are the property of the district. The principal/designee is authorized to search these areas at any time without the consent of the student.

Products of Searches

A search uncovering illegal items shall be reported to the local law enforcement agency and those products shall be made available to the agency.

Items found that violate the law or rules of the school shall be confiscated.

If items are found that violate the law or rules of the school or which are illegal, the parent/guardian of the student whose property was searched shall be notified by the principal/designee within a reasonable time after the search is conducted.

Detection Devices

The principal/designee is authorized to use stationary or mobile metal detectors and/or substance detection devices when there is reasonable suspicion to believe that weapons or illegal substances are in the possession of students or when there has been a pattern of weapons or illegal substances found at school or upon evidence or information of weapons or illegal substances or activities.



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The following devices may be utilized:

1. **Metal Detectors**

Students will be notified when a metal detector is in use. Signs will be posted to warn students that each student may be required to submit to a screening for metal as a condition of entering or continuing attendance at school or a school-related activity. When metal detectors are in use, students will be required to use only the entries designated.

If a metal detector activates on a student, the student may be asked to remove metal objects from his or her person and walk through or be scanned again. If, after the removal of other metal objects and a third activation by the metal detector on the student, the student should be taken to a place out of view from the other students where the procedures for a search would be conducted. Such search shall take place in the presence of another, member of the certificated staff and any property taken from the student shall be identified and recorded in writing and signed by both staff members.

Every student may be scanned or a random search may be used.

To ensure that a random search does not discriminate, an established administrative plan must indicate the process to be used. This plan shall be made available to the superintendent or designee.

These procedures shall not limit the ability of school administration officials from doing what is reasonable and prudent to conduct a search in order to protect the health and safety of students and school personnel. Any deviation from or any action taken not specifically outlined in these procedures shall not violate due process. However, any deviation shall be documented and reported to the Superintendent/designee.

2. **Substance Detection**

The Superintendent/designee shall be informed of all such devices, their intent and period of use. The Principal/designee shall be trained and knowledgeable in the use and evidence derived from such devices/detection.

- a. Signs shall be posted and announcement made via appropriate school means or prior to the use of any substance detection devices.
- b. A written record shall be kept of all evidence from substance devices, detectors to be used in suspension, expulsion and/or criminal prosecution.

3. **Surveillance Cameras**

The monitoring of public places by live and/or videotape camera may be used. The school principal may install videotaping equipment for the purpose of taping general campus activities.

Signs will be posted where devices are in use. Students, parents and guardians will be notified that the use of security cameras in hallways, lunchrooms, reception areas, busses, outdoor areas and/or classrooms (at the teacher's request) may be implemented as appropriate and that cameras may be moved from one location to another without prior notice. Cameras will not be used in an area where there is a reasonable expectation of privacy such as bathrooms, gym lockers/changing areas and private offices (unless consent by the occupier of the office is given).

The principal/designee may monitor all surveillance camera footage to ensure a safe educational environment.



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The use of surveillance camera footage may be used in student discipline leading to suspension, expulsion and criminal prosecution. Evidence used for recommendations for expulsion and/or criminal prosecution may be reviewed by the Superintendent/designee.

4. Use of Trained Dogs

In an effort to keep the schools free of drugs, the district may use specially trained, non-aggressive dogs to sniff out and alert staff to the presence of substances prohibited by law, school rules 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 any person.

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 may not sniff the person of any individual and shall be well separated from the audience.

Only the dog's official handler will 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 place or previous 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 district property shall be asked to unlock it for inspection.

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

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

5. Disciplinary Action

If as a result of a properly conducted search as outlined above, contraband or other material, the possession of which is in violation of law and/or school or district rules, is located and seized, the owner of the object or the subject of the search and seizure in addition to any possible state/federal cause of action will also be subject to disciplinary action as outlined in Board Policy and Administrative Procedures.