

## **Fresno Unified Board Policy (BP) 5145.12**

### **Search And Seizure**

The Governing Board is fully committed to promoting a safe learning environment and, to the extent possible, eliminating the possession and use of weapons, illegal drugs, and other controlled substances by students on school premises and at school activities. As necessary to protect the health, safety and welfare of students and staff, school officials may search students, their property, and/or district property under their control and may seize illegal, unsafe, or otherwise prohibited items.

*(cf. 0450 - Comprehensive Safety Plan)*  
*(cf. 3515 - Campus Security)*  
*(cf. 3515.3 - District Police/Security Department)*  
*(cf. 5131 - Conduct)*  
*(cf. 5131.7 - Weapons and Dangerous Instruments)*  
*(cf. 5144.1 - Suspension and Expulsion/Due Process)*  
*(cf. 5145.11 - Questioning and Apprehension)*

The Board urges that employees exercise discretion and good judgment. When conducting a search or seizure, employees shall act in accordance with law, Board policy, and administrative regulation.

*(cf. 0410 - Nondiscrimination in District Programs and Activities)*  
*(cf. 1312.1 - Complaints Concerning District Employees)*  
*(cf. 5145.3 - Nondiscrimination/Harassment)*

The Superintendent or designee shall ensure that staff who conduct student searches receive training regarding the requirements of the district's policy and administrative regulation and other legal issues, as appropriate.

*(cf. 4131 - Staff Development)*  
*(cf. 4231 - Staff Development)*  
*(cf. 4331 - Staff Development)*

#### **Searches Based on Individualized Suspicion**

School officials may search any individual students and their property, or district property under their control when there is a reasonable suspicion that the search will uncover evidence the student is violating the law, Board policy, administrative regulation, or other rules of the district or the school. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation.

Any search of a student, their property, or district property under the student's 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, 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.

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. A student's personal electronic device may be searched only if a school official, in good faith, believes that an emergency involving danger of death or serious physical injury to the student or others requires access to the electronic device information.

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.

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

### Searches of Multiple Student Lockers/Desks

All student lockers and desks are the property of the district. The principal or designee may conduct a general inspection of school properties that are within the control of students, such as lockers and desks, on a regular, announced basis, with students standing by their assigned lockers or desks. Any items contained in a locker or desk shall be considered to be the property of the student to whom the locker or desk was assigned. Notice of this policy shall be given to all students when lockers are assigned.

### Use of Metal Detectors

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.

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

### Use of Contraband Detection Dogs

In an effort to keep the schools free of dangerous contraband, the district may use specially trained nonaggressive dogs to sniff out and alert staff to the presence of substances prohibited by law or district policy. The dogs may sniff the air around lockers, desks, bags, items or vehicles on district property or at district-sponsored events. Dogs shall not sniff within the close proximity of students or other persons and may not sniff any personal items on those persons without their consent.

*Fresno Unified School District prohibits discrimination, harassment (including sexual harassment), intimidation, and bullying based on actual or perceived race, color, ethnicity, national origin, immigration status, ancestry, age (40 and above), religious creed, religion, political belief or affiliation, gender, gender identity, gender expression, genetic information, mental or physical disability, sex, sexual orientation, marital status, pregnancy or parental status, childbirth, breastfeeding/lactation status, medical condition, military and veteran status, or association with a person or a group with one or more of these actual or perceived characteristics or any other basis protected by law or regulation, in its educational program(s) or employment.*

#### Legal Reference:

##### EDUCATION CODE

32280-32289.5 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 Gun-Free School Zone Act of 1995  
626.10 Dirks, daggers, knives or razor  
1546-1546.1 Production of or access to electronic communication information

##### CALIFORNIA CONSTITUTION

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

##### COURT DECISIONS

Redding v. Safford Unified School District, (9th Cir. 2008) 531 F.3d 1071  
B.C. v. Plumas, (9th Cir. 1999) 192 F.3d 1260  
Jennings v. Joshua Independent School District, (5th Cir. 1989) 877 F.2d 313  
O'Connor v. Ortega, (1987) 480 U.S. 709  
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 FRESNO UNIFIED SCHOOL DISTRICT

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