



ADMINISTRATIVE PROCEDURE

SAN DIEGO UNIFIED SCHOOL DISTRICT

NO: 5065

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CATEGORY: Support Services, Security Program

EFFECTIVE: 7-12-89

SUBJECT: Searches and Seizures by School Officials

REVISED: 2-5-09

A. PURPOSE AND SCOPE

1. To outline administrative procedures governing school official conducting searches of student's person, locker, desk, car, etc., for dangerous weapons, stolen property, contraband, drugs, or alcohol; and seizure of such on district property.
2. **Related Procedure:**
Drugs, narcotics, alcohol—general..... 5140

B. LEGAL AND POLICY BASIS

1. **Reference:** Board policy: G-1000, G-1001, H-6000, I-4400; Education Code Section 49050.
2. **Procedure 5065 replaces Emergency Procedure EP 68 dated July 12, 1989.** No other revisions have been made at this time.
3. California Code of Regulations charges school officials with the "moral condition" of their schools and specifically charges them to eliminate "gambling, immorality, profanity and the use or possession of tobacco, intoxicating liquor, narcotics, or other hallucinogenic or dangerous drugs, or substances." School officials such as administrators and teachers act as representatives of the State, and are, therefore, governed by the Fourth Amendment to the United States Constitution which precludes unreasonable searches and seizures. It is necessary that the search be within the scope of the school administrator's duties and that the action taken be reasonable before a court will uphold the search. Also, an unreasonable search may lead to a lawsuit seeking damages for civil rights violations.

C. GENERAL

1. **Originating Office.** Suggestions or questions concerning this procedure should be directed to the Legal Services Office.
2. **Legality of Searches by School Officials.** A school official may conduct a student search under the following conditions. (For purposes of this section a school official means a site administrator, a teacher, a school police officer, or a school district employee acting under the direction of the site administrator, a teacher, or a school police officer.)

- a. A test of the legality of a school search is 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.

A search must be based on information that would lead the school official to believe that property, discipline, health, or safety of students or staff is threatened. If such information is received, a search may be conducted of the student's person (pockets, billfolds, purses, glass cases, etc.), locker, desk, car, etc.

This authority is generally exercised to determine if a student is harboring dangerous weapons, stolen property, contraband, drugs, or alcohol.

- b. Reasonableness of the search will depend on reliability of the information upon which the need is based, seriousness of the offense suspected, and urgency of the situation. Often, information is provided by another student; the school official must assess reliability of the student giving the information, degree of danger to others, and immediacy of the need for a search.
- c. The scope of the search should not be excessively intrusive in light of the age and the sex of the student and the nature of the infraction.
- d. Strip searches of students should not be conducted without first consulting the District's School Police and Legal departments.

3. **Rules Related to Conduct of Searches**

- a. When lockers are assigned to students, students shall be made aware of the need for both regular and emergency inspections and/or searches.
- b. Whenever possible, an adult witness shall be present when a search is believed necessary.
- c. Whenever possible, the student shall be present if his/her locker or car is being searched. Caution should be exercised in the search of a student's vehicle. If the student is present, it may be searched when there is reasonable cause to believe that the vehicle contains contraband, or anything which may endanger the health and welfare of other persons. A search of an unlocked student vehicle in the absence of the student should be conducted only in emergency situations (i.e., cases of serious and immediate danger to health and welfare and/or property).

- d. Contact the School Police Services Department or other professional help if there is doubt as to the nature of contents found.
- e. To minimize embarrassment to the student being searched, searches of students shall be conducted out of the presence of other students.
- f. Document (or keep records) on the basis for the search.

D. IMPLEMENTATION (See C.)

E. FORMS AND AUXILIARY REFERENCES

F. REPORTS AND RECORDS

G. APPROVED BY



Chief of Staff, Terrance L. Smith
For the Superintendent of Public Education