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## CLOVIS UNIFIED SCHOOL DISTRICT

### STUDENTS

#### Rights and Responsibilities

#### **STUDENT SEARCH AND SEIZURE**

The decision to conduct a search must be based on the facts in each individual case. School officials must avoid searches of students for arbitrary or punitive reasons. The decision to search must be based on surrounding circumstances, articulated facts, and background information.

School officials have a duty to ensure safe school environments for students. This primary duty would authorize a school official to conduct a search of a student or the student's personal property if there is reasonable suspicion to do so.

Any seized object(s) will be returned to the parent of the student when there has been no violation of law, board policy, administrative regulation or other rule of the District or the school. If confiscated items are not turned over to police officers as evidence of a crime or are not evidence in a discipline matter, or claimed by the parent of the student, they may be disposed of after June 30 of the school year during which they were confiscated.

#### A. Search Criterion/Reasonable Suspicion

The ruling of the United States Supreme Court in *New Jersey v. T. L. O.* (1985) 469 U. S. 339 established "reasonable suspicion" as the criterion for a school official to conduct a search of a student or the student's personal property. The standards established the following criterion:

1. Searches must be based on reasonable suspicion that the student is or has violated the law and/or a board policy, administrative regulation, or other rules of the District or the school.
2. The school official responsible for initiating and conducting the search must be able to clearly articulate the circumstances which cause him or her to believe the student violated the law and/or a board policy, administrative regulation, or other rules of the District or the school.
3. The information used as a basis for the search must be recent and credible and must connect the student to the suspected violation.
4. Searches must be reasonable in scope, considering the age and sex of the student and the nature of the infraction.

Among other lawful bases, establishing reasonable suspicion for a search may originate from one or more of the following sources if determined by a school official to be credible:

1. Referral by a teacher or other staff member who has observed suspicious student conduct.

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2. Students who report observing other students committing violations of the law and/or a board policy, administrative regulation, or other rules of the District or the school.
3. Any suspects who have identified a student in a criminal activity or a violation of the law and/or a board policy, administrative regulation, or other rules of the District or the school.
4. Any parents or community members who report information that a student is committing a violation of the law and/or a board policy, administrative regulation, or other rules of the District or the school.
5. Notification to a school official by the handler of a trained non-aggressive canine that the canine has alerted on identified personal property.
6. Any video or audio recording, photographs, or other images of student activities may constitute reasonable suspicion that the student is in violation the law and/or a board policy, administrative regulation, or other rules of the District or the school, warranting a search of the student and/or the student's personal property.

### B. Prohibited Searches

No school employee shall conduct a search that involves conducting a body cavity search of a student, manually or with an instrument, or a search that involves the removing or rearranging of any or all of a student's clothing to permit a visual inspection of the underclothing, breast, buttocks, or genitalia of a student. (Education Code 49050)

### C. Metal Detectors

Metal detectors may be used by school officials and District police officers to conduct searches for weapons on students and members of the public who are attending District sponsored activities. Metal detectors are to be used when reasonable suspicion exists or, on a predetermined random basis, which excludes individual prerogative as to who shall be searched.

### D. Student Vehicles

School officials may search a student's vehicle when the official has reasonable suspicion that the vehicle is improperly used for the storage of illegal drugs, weapons contraband, or any material which poses a hazard to the safety and good order of the schools. If a vehicle, including a student vehicle, is on school property and the vehicle is parked in a lot providing notice of Vehicle Code section 21113, it may be searched without suspicion or subject to other conditions. Indiscriminate searches of student vehicles not allowed by this administrative regulation are not authorized.

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### E. Student Cell Phones or Other Electronic Devices

School officials may search a student's cell phone or other electronic device, including but not limited to, reviewing messages or viewing pictures if there is reasonable suspicion he/she or another student is violating the law and/or a board policy, administrative regulation, or other rules of the District or the school, and the search of the student's cell phone or other electronic device is intended to uncover evidence of the suspected violation. The search of student cell phones or other electronic devices shall be governed by this administrative regulation, the reasonable suspicion standard, as well as procedures and instructions provided to District school site administrators which are consistent with the requirements of Penal Code section 1546 et seq. If necessary, the student's cell phone or other electronic device may be confiscated and returned at a time determined by a school official.

### F. District Video Cameras

Video cameras, including audio recordings, may be used by school officials in public and common areas on District property, on buses, and at school related activities subject to the limitations set forth in Board Policy No. 5145.12 – Student Search and Seizure. Videotaping public areas on the school campus does not constitute a search; however, the resulting videotapes may be used to establish the misconduct of students at school or school-sponsored activities. Videotaping may include digital recording and use of other electronic devices.

### G. Canine Drug Detection

In an effort to keep 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, District board policy or other rules of the District or the school. The dogs may sniff the air around lockers, desks, bags, vehicles, and other personal property of a student on District property or at District sponsored events. Canines may not sniff students directly or items while in possession of student. This sniffing by trained canines may be done without reasonable suspicion and is not classified as a search.

The Board has determined that when a trained non-aggressive canine alerts on the personal property of a student, such an alert constitutes reasonable suspicion that the student is in possession of any item or substance that violates the law and/or a board policy, administrative regulation, or other rules of the District or the school, and supports a search of the student's property and perhaps the student.

## **CLOVIS UNIFIED SCHOOL DISTRICT**

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