

ORANGE COUNTY DEPARTMENT OF EDUCATION
Costa Mesa, California

SUPERINTENDENT'S POLICY

100-30

Search and Seizure

The Orange County Department of Education 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 and welfare of students and staff, school officials may search students, their property, and/or Orange County Department of Education property under their control and may seize illegal, unsafe, or otherwise prohibited items.

The Orange County Department of Education urges that employees exercise discretion and good judgment. When conducting a search or seizure, employees shall act in accordance with law, Orange County Department of Education policy and procedures.

The Superintendent or designee shall ensure that administrators or designees who conduct student searches receive training regarding the requirements of the Orange County Department of Education's policy and procedures and other legal issues, as appropriate.

Individual Searches

If a student has engaged in conduct that causes an administrator or designee to have *reasonable suspicion* that the student has committed, or is about to commit, a crime or has violated statutory laws or school rules, the administrator or designee may conduct a search of that student. The administrator or designee must:

- Be able to articulate the reason for his or her suspicion and the facts and/or circumstances surrounding a specific incident.
- Be able to reasonably connect the student to a specific incident, crime or rule or statute violation.
- Have relied on recent, credible information from personal knowledge and/or other eyewitnesses.
- Ensure that a search based on reasonable suspicion is not excessively intrusive in light of the student's age and gender and the nature of the offense.

When conducting a student search based on reasonable suspicion, administrators/designees must adhere to the following practices:

- Conduct the search only if there are clear and specific reasons for suspicion and there are facts that connect the student to a specific incident of misconduct.

- Jackets, purses, pockets, back packs, bags, and containers in the student's possession as well as school-assigned storage space may be searched to the extent reasonably necessary.
- Under no conditions may a body or strip search be conducted.
- When feasible, administrators/designees of the same sex as the student being searched may conduct the search
- Searches based on reasonable suspicion must be conducted in a private area where the search will not be visible to other students or staff (except for a school administrator or designee witness, also of the same sex).

Employees shall not conduct strip searches or body cavity searches of any student.

Searches of individual students shall be conducted in the presence of at least two Orange County Department of Education employees.

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

Use of Metal Detectors

The Orange County Department of Education believes that the presence of weapons in the schools threatens the Orange County Department of Education's ability to provide the safe and orderly learning environment to which students and staff are entitled. The Orange County Department of Education 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 administrator or designee may use metal detectors at Orange County Department of Education schools as necessary to help provide a safe learning environment. He/she shall establish a plan to ensure that metal detector searches are conducted in a uniform and consistent manner.

Legal Reference:

EDUCATION CODE

32280-32289 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 Firearms
 626.10 Dirks, daggers, knives or razor

CALIFORNIA CONSTITUTION

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