

**FRESNO COUNTY SUPERINTENDENT OF SCHOOLS
FRESNO COUNTY BOARD OF EDUCATION****Students
SEARCH AND SEIZURE**

The County Superintendent and County Board are 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 on school premises and at school activities. As necessary to protect the health and welfare of students and staff, and as authorized by law and County Superintendent and County Board policy or regulation, a search of students, student property, and/or County Board/County Superintendent property within the exclusive control of a student may be conducted and any discovered illegal, unsafe, or otherwise prohibited items may be seized.

Any student, their property, or County Superintendent property under his/her control, may be searched only when there is a reasonable suspicion that the search will uncover evidence that the student is involved in violating law, policy, administrative regulation, or other rules of the school. Student property that may be searched include, but are not limited to, lockers, desks, purses, backpacks, and vehicles parked on County Board or County Superintendent controlled property. 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, the student's property, or County Superintendent 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.

A student's personal electronic device shall not be searched by a County Superintendent employee without the express and specific authorization of County Superintendent Legal Services, following a consultation regarding the facts and circumstances giving rise to the search.

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 County Superintendent employees.

All student lockers and desks are the property of the County Superintendent. The site administrator 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.

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Adopted: 10/15/2020
Amended: 04/20/2023, 11/20/2025

LEGAL REFERENCEEducation 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
49330-49335 Injurious objects

Penal Code

626.9 Firearms
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 (2001)
75 Ops.Cal.Atty.Gen. 155 (1992)

MANAGEMENT RESOURCESNational Institute of Justice Publications

The Appropriate and Effective Use of Security Technologies in U.S. Schools: A Guide for Schools and Law Enforcement Agencies, rev. 2005

Websites

California Attorney General's Office: <http://caag.state.ca.us>
California Department of Education, Safe Schools: <http://www.cde.ca.gov/lr/ss>
National Institute of Justice: <http://www.ojp.usdoj.gov/nij>