

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, individualized 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 COE property. Reasonable suspicion shall be based on specific and objective facts that the search will produce evidence related to the alleged violation.

A student's personal electronic device may be searched in an emergency involving danger of death or serious physical injury to the student or others, as authorized under Penal Code 1546.1.

Upon a formal finding of need for the use of any search to ensure safety and security on campus or at school activities, students may also be subject to other random or regular searches or inspections on an announced basis, in accordance with law. This policy and/or related County Superintendent procedures on the use of any such search shall be communicated to students and/or their parents/guardians, at least at the beginning of each school year.

Adopted: 10/15/2020

Amended: 04/20/2023

**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  
49330-49335 Injurious objects

Penal Code

626.9 Firearms

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626.10 Dirks, daggers, knives or razor

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 RESOURCES

National 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

CSBA: <http://www.csba.org>

California Attorney General's Office: <http://caag.state.ca.us>

California Department of Education, Safe Schools: <http://www.cde.ca.gov/lis/ss>

National Institute of Justice: <http://www.ojp.usdoj.gov/nij>