

## **SEARCHES ON SCHOOL PREMISES**

It is the policy of the Monterey County Board of Education that searches on school and center premises shall be conducted only when deemed necessary to protect the safety and security of persons and to preserve discipline and good order.

The right to inspect a student's locker or person and to seize property is inherent in the authority granted the County Board and those who administer its programs. The right, however, must be balanced by the rights of privacy of person, as well as freedom from unreasonable search and seizure property, as guaranteed by the fourth amendment to the U.S. Constitution.

### *Legal Reference:*

#### EDUCATION CODE

- 32280-32289 School safety plans*
- 35160 Authority of governing boards*
- 35160.1 Broad authority of school districts*
- 44807 Duty concerning conduct of pupils*
- 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*

#### 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)*

Adopted: 8/18/99

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