

**RESOLUTION 25-014 Approval for First Reading of Board Policy
JFG – Student Searches**

Background: The updates made to this board policy align with MESD’s practice.

WHEREAS, the Multnomah Education Service District Board of Directors Policy Committee reviewed and discussed Board Policy JFG – Student Searches; and

WHEREAS, the Multnomah Education Service District Board of Directors Policy Committee recommends that the Board adopt Policy JFG – Student Searches; and

NOW THEREFORE BE IT RESOLVED, that Board Policy JFG – Student Searches is approved for first reading as written or as further modified.

BE IT FURTHER RESOLVED, that if no further discussion is required, Board Policy JFG-Student Searches, is approved as proposed and does not require a second reading.

Student Searches**

An MESD official may search a student's person and property when prerequisites described in this policy are met. MESD officials may search MESD property assigned to students, including computers and lockers at any time and for any reason. There is no reasonable expectation of privacy regarding any MESD property.

Searches may be conducted on MESD property or when the student is under the authority of MESD at an activity outside MESD property. MESD officials may seize any item which is evidence of a violation of law, MESD policy or regulation, or the possession of which is prohibited by law, policy or regulation.

The Superintendent and Cabinet shall develop administrative regulations for implementing this policy based on the following guidelines:

1. A search may be conducted when there is reasonable suspicion based upon specific and articulated facts to believe that the student personally poses or is in possession of some item that poses an immediate risk of serious harm to the student, school officials and/or others at the school;
2. A search shall be reasonable in scope; that is, the manner and the extent of the search shall be reasonably related to the objectives of the search, the unique features of the official's responsibilities and the area(s) which could contain the item(s) sought and shall not be excessively intrusive in light of the student's age, sex, maturity and the nature of the violation;
3. Evidence of a prohibited item shall be seized by MESD officials;
4. Inspection of MESD property assigned to students, including but not limited to lockers or desks, may occur from time to time. Students shall be notified that an inspection of MESD property has occurred and shall be notified of any evidence or prohibited item seized;
5. At the time MESD property is assigned to students for their use, MESD shall inform students of conditions for the use of such property and of the intent of the MESD to conduct inspections or searches from time to time without prior notice;
6. Metal detectors, or similar detection devices, drug-detection dogs and drug-testing shall be used only with the express authorization of the Superintendent;
7. Students may be searched by law enforcement officials on MESD property or when the student is under the authority of MESD. Law enforcement searches ~~ordinarily shall be based upon a warrant.~~ will only be conducted when legally required. MESD officials will attempt to notify the student's ~~parent.~~ guardian(s.) MESD officials will be present for all such searches, ~~whenever possible.~~ unless legally prohibited.

END OF POLICY

Legal Reference(s):

ORS 334.125

OAR 581-021-0050 to -0075

New Jersey v. T.L.O., 469 U.S. 325 (1985).

State ex. rel. Juv. Dept. v. M.A.D., 233 P3d. 437, 348 Or. 381 (2010).

State v. B.A.H., 263 P3d. 1046, 245 Or. App. 203 (2011).

State v. A.J.C., 326 P3d. 1195, 355 Or. 552 (2014).

MESD Cross Reference(s):

ECA - Security of Buildings and Grounds

JEC - School Admissions**

JFC - Student Conduct

JFCC - Student Conduct on Buses/Vehicles

JFCJ - Weapons

JFCM - Workplace Violence

JGB - Detention of Students**

JGD - Suspension**

JGDA/JGEA - Discipline of Students with Disabilities**

JGE - Expulsion**

GH - Student Welfare Student Searches** - JFG

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