

Student Searches**

The Board seeks to ensure a learning environment which protects the health, safety and welfare of students and staff. To assist the Board in attaining these goals, district officials may, subject to the requirements below, search a student's person and property, including property assigned by the district for the student's use. Such searches may be conducted at any time on district property or when the student is under the jurisdiction of the district at school-sponsored activities.

All student searches conducted by the district shall be subject to the following requirements:

1. The district official shall have individualized, "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 or serious harm to the student, school officials and/or others at the school;
2. The search shall be "reasonable in scope." That is, the measures used are 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 not excessively intrusive in light of the age, sex, maturity of the student and nature of the infraction.

Routine inspections of district property assigned to students may be conducted at any time.

Use of drug-detection dogs and metal detectors, or similar detection devices, may be used only on the express authorization of the superintendent.

District officials may seize any item which is evidence of a violation of law, Board policy, administrative regulation or school rule, or which the possession or use of is prohibited by such law, policy, regulation or rule.

Students may be searched by law enforcement officials on district property or when the student is under the jurisdiction of the district. Law enforcement searches ordinarily shall be based upon a warrant.

The superintendent shall develop an administrative regulation for implementing this policy in a manner which protects students' rights and provides a safe learning environment without unreasonable interference. Provisions for staff, student and parent notice of the Board's policy and accompanying regulation shall be included.

END OF POLICY

Legal Reference(s):

[ORS 332.107](#)

[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).

Oregon School Boards Association Selected Sample Policy

Code: JFG
Adopted:

Student Searches**

The Board seeks to ensure a learning environment which protects the health, safety and welfare of students and staff. To assist the Board in attaining these goals, district officials may, subject to the requirements below, search a student's person and property, including property assigned by the district for the student's use. Such searches may be conducted at any time on district property or when the student is under the jurisdiction of the district at school-sponsored activities.

All ~~student searches for evidence of a violation~~ conducted by the district shall be subject to the following requirements:

1. The district official shall have individualized, "reasonable suspicion" ~~based upon specific and articulated facts to believe evidence of a violation of law, Board policy, administrative regulation or school rule is present in a particular place~~ that the student personally poses or is in possession of ~~some item that poses an immediate risk or serious harm to the student, school officials and/or others at the school;~~
2. The search shall be "reasonable in scope." That is, the measures used are 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 not excessively intrusive in light of the age, sex, maturity of the student and nature of the infraction.

~~District officials may also search when they have reasonable information that emergency/dangerous circumstances exist.~~

Routine inspections of district property assigned to students may be conducted at any time.

Use of drug-detection dogs and metal detectors, or similar detection devices, may be used only on the express authorization of the [Board] [superintendent].

District officials may seize any item which is evidence of a violation of law, Board policy, administrative regulation or school rule, or which the possession or use of is prohibited by such law, policy, regulation or rule.

Students may be searched by law enforcement officials on district property or when the student is under the jurisdiction of the district ~~upon the request of the law enforcement official~~. Law enforcement ~~requests searches~~ ordinarily shall be based ~~on~~ ~~upon~~ a warrant. [District officials will attempt to notify the student's parent(s) in advance and will be present for all such searches, whenever possible.]

The superintendent shall develop an administrative regulation for implementing this policy in a manner which protects students' rights and provides a safe learning environment without unreasonable interference. Provisions for staff, student and parent notice of the Board's policy and accompanying regulation shall be included.

END OF POLICY

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Pendleton School District 16R

Code: **JFG**
Adopted: 12/13/99
Readopted: 7/12/10
Orig. Code(s): JFG

Student Interviews and Searches

When administrators permit law enforcement officers to interview public school students during school hours, on school property, the school officials should exercise discretion as to whether it is appropriate to be present during the interview.

The above procedure relates only to the questioning of students and does not apply to situations in which the proper warrant has been drawn and an arrest is to be made.

The above procedure does not apply when the law enforcement officer has been summoned to school by the building administrator to aid the administrator in the fulfillment of his/her responsibilities.

As appropriate to the situation, a reasonable effort will be made to inform parents or guardians.

When potential child abuse is being investigated or when child abuse has been reported, law enforcement representatives or representatives of Services to Children and Families may interview students on school property during school hours, and may exclude school officials from being present during the interview.

Searches

The Board seeks to create a climate in the schools which assures the safety and welfare of all. To assist the Board in achieving these goals, school officials may conduct general searches of the property and facilities that are owned and provided by the school at any time and may seize any property deemed injurious or detrimental to the safety and welfare of the students and personnel. If school officials have reason to believe that an illegal act or violation of school rules and regulations is being committed or is about to be committed, search of specific areas may be conducted.

At the time of registration, students will be informed of the conditions of use governing school property.

General Search Rule

A search may be conducted when there is reasonable suspicion to believe that evidence of a prohibited item is present in a particular place.

Procedures

1. A search of a student's person and/or property should be limited to a situation where there is reasonable suspicion to believe that the search will produce evidence that the particular student has violated or is violating either the law or school rules. A reasonable effort will be made to inform parents or guardians;

2. Items which may be used to disrupt or interfere with the educational process may be temporarily removed from the student's possession;
3. General search of school properties including, but not limited to, lockers or desks may occur at any time without notice and items belonging to the school or any item deemed unlawful, injurious, or detrimental to the health, safety, or welfare of students or school employees may be seized;
4. In searches conducted on school property, school officials are authorized to use a dog trained in the detection of illegal drugs or contraband. Use of the trained dog shall be limited to searches of inanimate objects only. Under no circumstances shall a dog be used in the search of a student's person. The district shall develop guidelines for the use of a trained dog in conducting searches;
5. When there is reasonable suspicion to suspect that a search will turn up evidence of the violation of the law or of district rules, any student vehicle parked on school premises may be searched. Failure of the student driver to cooperate in such a search shall be cause to rescind the student's right to a district parking permit;
6. All items seized shall be turned over to proper authorities or returned to the true owner after the needs of the district have been satisfied;
7. Any of the following articles found in a locker shall cause the student to be subject to immediate suspension and possible expulsion;
 - a. Alcoholic beverages;
 - b. Ammunitions or explosives;
 - c. Drugs;
 - d. Firecrackers;
 - e. Any other item that threatens the health, safety and welfare of students and/or school employees;
 - f. Weapons (See Board policy JFCJ – Weapons in the Schools).
8. The student shall be given the opportunity to be present when a search of personal possessions is conducted if he/she is in attendance and if there is no reason to believe that his/her presence would endanger his/her health safety.

END OF POLICY

Legal Reference(s):

ORS 332.107

OAR 581-021-0050 to -0075

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