

Oregon School Boards Association Selected Sample Policy

Code: JFG-AR
Revised/Reviewed:

Student Searches**

1. Definitions

- a. “Reasonable suspicion” means sufficient knowledge possessed by the district official at the time the official makes or authorizes the search which would lead a reasonable person to believe that a search of a particular student or place will likely turn up evidence of a violation of law, Board policy, administrative regulation or school rule is based upon specific and articulated facts to believe that the student personally poses or is in possession of some item that poses a risk of immediate and serious harm to the student, school officials and/or others at the school. The official’s knowledge may be based upon relevant past experience of the official, observation by the official and/or credible information from another person.
 - (1) “Past experience” may provide the district official with information relevant to the violation as well as information which enables the official to evaluate the credibility of information from another person.
 - (2) “Credible information from another person” may include information which the district official reasonably believes to be true provided by another district employee, a student, a law enforcement or other government official or some other person.
- b. “Reasonable in scope” means that the manner and extent of the search are reasonably related to the objectives of the search, the unique features of the official’s responsibilities, and limited to the particular student or students most likely to be involved in the infraction and the area(s) which could contain the item(s) sought, and not excessively intrusive in light of the student’s age, sex, maturity and the nature of the infraction.

2. Routine Inspection of District Property Assigned to Students

- a. Lockers, desks and other storage areas provided by the school and assigned to a particular student(s) are the property of the district, remain in the possession of the district and are under the control of the principal. Students have no expectation of privacy regarding these items/areas.
- b. Students may use district-owned storage areas for the limited purpose of temporarily keeping items needed for attendance and participation in school instructional and activity programs only. No other purpose is permitted.
- c. Students shall be provided notification that district-owned storage areas assigned to students are subject to routine inspection without prior notice for the following reasons:
 - (1) Ensure that no item which is prohibited on district premises is present;
 - (2) Ensure maintenance of proper sanitation;
 - (3) Ensure mechanical condition and safety;

- (4) Reclaim overdue library books, texts or other instructional materials, property or equipment belonging to the district.

3. Voluntary Consent

When a district official has reasonable suspicion to believe that evidence of a violation of law, Board policy, administrative regulation or school rule is present in the requisite justification to search either a particular district-owned storage area assigned to a student, or the clothing or the personal property of a student, the official has the option of making a search or asking the student to voluntarily provide the evidence item(s) sought. Before making a search, the official should ordinarily ask for the student's voluntary consent by requesting the student to empty the contents of the storage area, clothing or personal property. If the student refuses consent for his/her personal property, the official may search for the evidence evaluating student and staff safety and the least intrusive search methods. The official may elect to contact the student's parents or, after consulting with the superintendent, contact law enforcement officials to assist with the search to obtain consent for the search of personal property.

4. Emergency/Dangerous Circumstance

- a. Where a district official has knowledge which would lead a reasonable person to believe that either an emergency or dangerous circumstance exists and that it is necessary to act to protect the safety of any person or property, the official may make a search to the extent necessary to relieve the emergency or dangerous circumstance.
- b. In responding to such an emergency or dangerous circumstance, the actions of the official shall be reasonably effective and no more intrusive than necessary.

4. Search for Evidence of a Violation Procedures

- a. A search may be conducted of With the requisite justification, a school official may search an individual student, a district-owned storage area assigned to a student or the personal property of a student. Personal property of a student includes, but is not limited to, wallets, purses, lunch boxes/sacks, book bag, backpack or other containers used to carry belongings.
- b. All searches of a student or a student's personal property shall be based on the required reasonable suspicion/risk of immediate and serious harm and shall be reasonable in scope. A "strip search," requiring a student to remove clothing down to the student's underwear or including underwear is prohibited by the district.
- c. Searches will generally be conducted by an administrator [or by other school personnel only as authorized by the administrator]. In certain circumstances an administrator may be assisted by a law enforcement official(s).
- d. The student will generally be permitted to be present during a search of a district-owned storage area assigned to the student or during a search of the student's personal property. The student's presence is not required, however.
- e. Search of a student's clothing will be limited to the student's "outer clothing" only. "Outer clothing" means the student's coat, jacket or other such outerwear garments worn by a student. A search of the clothing may include the search of a container inside the clothing, provided that the container is of a size and shape to hold the object of the search.
- f. Searches of a student's outer clothing will be conducted by a district official of the same sex as the student, whenever possible.

- g. Where the object of the search may be felt by a “pat down” of clothing or personal property, the district official may first pat the clothing or property in an attempt to locate the object before searching inside the clothing or property.
- h. Searches will be conducted in privacy, out of the view of other students, staff and others and in the presence of an adult witness of the same sex as the student, ~~whenever possible.~~
- i. Any item removed from the student as a result of the above procedures which is not evidence of a violation of a law, Board policy, administrative regulation or school rule may be returned to the student, as appropriate.

5. ~~Other Searches~~¹

- a. Student vehicles may be parked on district property on the condition that the student and his/her parent(s) allows the vehicle and its contents, upon reasonable suspicion ~~of risk of immediate serious harm,~~ to be examined. ~~Additionally, student vehicles on another district’s property at activities under the jurisdiction of the district, including interscholastic activities sponsored by the Oregon School Activities Association (OSAA) or other such voluntary organizations approved by the State Board of Education, shall also be subject to such condition.~~

If a student or parent(s) refuses to allow access to a vehicle when requested under the circumstances described above, the student’s privilege of bringing a vehicle onto district property will be terminated [for the remainder of the school year]. ~~A refusal will subject the student to discipline up to and including expulsion and~~ Law enforcement officials [may] [will] be notified.

- b. Metal detectors, including walk-through and hand-held devices, may be used when the [Board] [superintendent] determines that there is a need for such detectors based upon reasonable information of a history of:
 - (1) Weapons or dangerous objects found at school, on district property, at a school function or in the vicinity of the school; or
 - (2) Incidents of violence involving weapons at a school, on district property, at a school function or in the vicinity of the school.

Upon positive detection, a student ~~should ordinarily~~ will be asked to voluntarily remove the metal item. ~~The district official may search the clothing or personal property of the student for the item if the student refuses consent or if the positive metal detection is not satisfactorily explained. If the student refuses consent, the student will be held (will not be allowed further entrance into the building) and any personal property will be seized and secured while the parent(s) and law enforcement officials are summoned.~~

- c. Drug-detection dogs may be used when the [Board] [superintendent] determines that there is a need for use of such dogs based upon reasonable information of a history of:
 - (1) Drugs and/or drug paraphernalia use/possession at school, on district property, at a school function or in the vicinity of the school; or

¹Consult with legal counsel prior to implementing procedures in this section, modifying as appropriate to meet local needs.

- (2) Incidents of violence or health emergencies involving drugs and/or drug paraphernalia at a school, on district property, at a school function or in the vicinity of the school.

After such need has been determined, drug-detection dogs may be used to sniff out contraband in district-owned storage areas or in student vehicles parked on district property upon reasonable suspicion to believe that contraband is in the area or vehicle.

Drug-detection dogs will not be used for general or “dragnet” searches.

- d. Body fluid searches of students for the presence of alcohol or drugs are prohibited by the district unless specifically authorized by the Board as part of its athlete drug-testing program.
- e. The district may deploy breathalyzer devices at extracurricular events and activities. Students may be subject to testing procedures as a prerequisite to attending the event/activity. If a student refuses testing, he/she will be detained and parents will be contacted to come and take the student home.

6. Discipline

- a. Possession or use of unauthorized, illegal, unhealthy or unsafe materials will result in the following:
 - (1) Seizure of the material:
 - (a) Property, the possession of which is a violation of law, Board policy, administrative regulation or school rule will be returned to the parent or, if also a violation of law, turned over to law enforcement officials or destroyed by the district as deemed appropriate by the principal;
 - (b) Stolen property will be returned to its rightful owner;
 - (c) Unclaimed property may be disposed of in accordance with Board policy [DN - Disposal of District Property].
 - (2) Discipline up to and including expulsion and notification of given to law enforcement officials as appropriate or as otherwise required by law or Board policy.
- b. ~~Any incident involving discipline of a student as a result of a routine inspection of district storage areas made available for student use or other searches of a student or the student's personal property will be documented as required below.~~

7. Documentation

- a. Administrators shall document all searches.
- b. Documentation shall consist of the following:
 - (1) Name, age and sex of student;
 - (2) Date, time and location of search;
 - (3) Justification for search and nature of the reasonable suspicion/risk of immediate and serious harm;
 - (4) Description of the object(s) of the search;
 - (5) Type/Scope of search (what was areas/items searched);
 - (6) Results of search, prohibited material(s) found, disposition of the material(s) seized and discipline imposed;
 - (7) Name of the witness to the search;
 - (8) Name of the district official conducting the search;
 - (9) Contacts with law enforcement and name/position of the contact(s).
- c. Documentation will be maintained as a part of the student's education records and retained in accordance with applicable Oregon Administrative Rules governing records' retention.

8. Notice

Notice of the Board's policy and pertinent provisions of this administrative regulation will be provided to staff, students and their parent(s) annually, through such means as staff and student/parent handbooks.

9. Cooperation with Law Enforcement Officials

- a. Administrators will meet with law enforcement officials annually to review:
 - (1) Official contact protocols;
 - (2) Applicable Board policies and administrative regulations;
 - (3) Circumstances in which the district will generally be requesting local law enforcement involvement in student searches and suspected crimes;
 - (4) Handling of searches and evidence of suspected crimes when involving law enforcement officials.

STUDENT SEARCH FORM

1. Name, age and sex of student: _____

2. Date, time and location of search: _____

3. Basis for search and nature of reasonable suspicion. What factors caused you to have a reasonable suspicion that the search of this student, his/her person or property or property assigned by the district for student use, would turn up evidence of a violation of law, Board policy, administrative regulation or school rule or which possession or use of is prohibited by law, policy, regulation or rule of some item that posed a risk of immediate and serious harm to the student, school officials and/or others at the school? Explain Describe.

4. Describe exactly what was areas and items searched: _____

5. What did the search yield? Were any prohibited items/materials seized? Were seized items/materials turned over to police? Parents? Other? Why or why not? Explain and include name(s)/position(s) of law enforcement contacts.

6. Was discipline imposed? Why or why not? _____

7. Name and title/position of the witness and title/position to the search: _____

8. Name and title/position of district official and title/position conducting the search: _____

Signature of Witness

Date

Signature of District Official
Conducting Search

Date