

Greater Albany SD 8J

Administrative Regulation

Code: **JFG-AR**
Revised/Reviewed: 3/12/01; 8/13/07; 8/24/15

Student Searches**

1. Definitions

- a. “Reasonable suspicion” is based upon specific and clearly explainable facts for the district official to believe that the student personally possesses or is in possession of some item including but not limited to controlled substances or weapons that poses an immediate threat to the safety of 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 official’s responsibilities to provide a safe campus environment 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. Strip searches are not considered reasonable.

2. Routine Inspection of District Property Assigned to Students

- a. Lockers, desks, district computers 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 building 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 the requisite justification to search either 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 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 elect to contact the student's parents/guardian¹ to obtain consent for the search of personal property.

4. Emergency/Dangerous Circumstance

Due to a history of, and ongoing incidences of, drug and drug paraphernalia use and possession on or in the vicinity of district property, the district has determined that drug-detection dogs will be used to detect contraband on or in district property, including lockers and student vehicles parked on district property. The purpose of these dogs will not be for individualized searches of students, but they will be on school grounds for property searches and student assemblies. The dogs may be stationed at a school entrance or travel across school grounds and all students are on notice that students may come into proximity with such a dog.

5. Search Procedures for search of Student and/or Personal Property of Student (Except That Stored in a District Owned Area)

- a. With the requisite justification, a school official may search an individual student, the personal property of a student. Personal property of a student includes, but is not limited to wallets, purses, electronic devices, computer disks, notebooks, 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 an immediate threat to safety of the student, school officials and/or others at the school 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 a building administrator or by other school personnel only as authorized by the building administrator. In certain circumstances a building 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.

¹As used in this document, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005 (4) and 125.300 - 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-0005 (18).

- e. Search of a student's clothing will be limited to the student's "outer clothing" only.² 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.
- 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.
- 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.

6. Other Searches

- a. Student vehicles may be parked on district property on the condition that the student and his/her parent(s)/guardian(s) allows the vehicle and its contents, upon reasonable suspicion, to be examined.

If a student or parent(s)/guardian(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 twelve calendar months. Law enforcement officials may be notified.

- b. Metal detectors, including walk-through and hand-held devices, may be used when the 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 will be asked to voluntarily remove the metal item. 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 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
 - (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.

²Examples of outerwear include pants, shirts, socks, shoes, hats, sweaters, coats, jackets or other such outerwear worn by a student.

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 of students’ persons.

- 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 or have been consented to as part of the district’s alcohol and drug diversion program.
- e. The district may deploy breathalyzer devices at extracurricular events and activities. Student may be subject to testing procedures as a prerequisite to attending the event/activity. If a student refuses testing, he/she will be refused admission and parents will be contacted to come and take the student home.

7. Discipline

- a. Possession or use of unauthorized, illegal 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 guardian or, if also a violation of law, turned over to law enforcement officials or destroyed by the district as deemed appropriate by the building 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 law enforcement officials as appropriate or as otherwise required by law or Board policy.

8. 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 (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.

9. Notice

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

10. Cooperation with Law Enforcement Officials

a. Building administrators will meet with law enforcement officials 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 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 some item that posed an immediate threat to the student, school officials and/or others at the school? Describe.

4. Describe 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 to the search: _____

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

Signature of Witness

Date

Signature of District Official
Conducting Search

Date