

Search and Seizure

A search of a student's person or personal property by School District personnel shall be authorized when there are reasonable grounds to suspect that the search will disclose evidence that the student has violated or is violating a Federal, State or Municipal law or ordinance, or the rules of the School District. For the purpose of this policy, a vehicle, as defined by ORS 801.590, owned or operated by a student shall be considered personal property of a student subject to search under and pursuant to this policy.

Prior to conducting a search authorized by Section I, above, the staff member conducting the search shall consider whether it may be appropriate, under all the circumstances, to notify the student's parents/legal guardians or legal guardian or other legal representative. If the staff member determines that such notice is appropriate, the staff member will make reasonable attempts to notify the student's parent/legal guardian or other legal representative before proceeding with the search. Nevertheless, such notification shall not be required as a condition prior to conducting any search authorized under this policy.

Seizure of a student's personal property by School District personnel shall be authorized when there are reasonable grounds to suspect that the property seized is evidence that the student has violated or is violating a Federal, State or Municipal law or ordinance, or the rules of the School District.

The scope of a search authorized under Section (I), above, shall be limited to the circumstances which justified the search.

If, during such a search, property or evidence outside the scope of the initial search is discovered which the person conducting the search has reasonable grounds to suspect is evidence of a violation of the law or a school rule, that evidence may be seized.

At least two (2) School District staff members shall be present during a search of a student's person or personal property. When a search of a student's personal property is conducted, a reasonable effort shall be made to have the owner or person in control of such property present at all times during the search.

Upon completing a search, the person conducting the search shall make a list of the items seized and shall deliver a copy therefore, as a receipt, to the student from whose possession such items have been taken, either in person or by mail to the student's current address on the records of the School District.

Property seized shall be returned to the owner thereof within a reasonable time unless:

1. the property seized constitutes contraband, in which case it shall be destroyed or otherwise disposed of; or
2. there are reasonable grounds to suspect that the property constitutes evidence of a crime, in which case the property shall be delivered to an appropriate law enforcement agency.

This policy shall apply to all searches conducted on premises owned by or under the control of the School District and to searches off of School District premises during activities sponsored or sanctioned by the school District.

This policy shall not apply to searches conducted at the request of or in conjunction with any law enforcement agency. Such searches shall be governed by and subject to the laws of the United States and the State of Oregon relating to searches in criminal investigating.

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).