

# Gresham-Barlow SD 10

Code: **JFG**  
Adopted: 7/11/94  
Readopted: 5/02/02; 12/04/14; 11/05/15  
Orig. Code(s): JFG

## **Student Searches and Questioning\*\***

### **Searches**

The Board seeks to assure 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 search a student's person and property, including property assigned by the district for the student's use. District officials may seize any item which is evidence of a violation of law, district policy or rules, or which the possession or use of is prohibited by law, policy or rules.

The superintendent will develop rules for implementing this policy in a manner which both protects students' rights and provides a safe learning environment without unreasonable interference following these basic procedures:

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 or serious harm to the student, school officials and/or others at the school;
2. Item may be seized by district officials 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;
3. A search of district property assigned to students including, but not limited to, lockers or desks may occur. Students will be notified that a search of district property has occurred and will be notified of any evidence or prohibited item seized;
4. At the time district property is assigned to students for their use, the district shall inform students of conditions for the use of such property and of the intent of the district to conduct searches from time to time;
5. 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;
6. Law enforcement searches ordinarily shall be based upon a warrant. Students may be searched by law enforcement officials on district property or when the student is under the jurisdiction of the district. District officials will attempt to notify the student's parent(s) in advance and will be present for all such searches, whenever possible.
7. Routine inspections of district property assigned to students may be conducted at any time;

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

### **Questioning By Law Enforcement**

When law enforcement officials find it necessary to question students during the school day or during periods of cocurricular activities, an administrator will be present when possible. An effort will be made to inform the parent, guardian or person in a parental relationship. However, in suspected child abuse cases, Oregon Department of Human Services, Community Human Services, and law enforcement officials may exclude district personnel from investigation procedures and may prohibit informing the parents.

When law enforcement officials find it necessary to take a student into custody, the administrator will request that the officials act in a manner which causes the least possible disruption to the learning environment.

END OF POLICY

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#### **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).

#### **Cross Reference(s):**

KN - Relations with Law Enforcement Agencies