

Student Searches**

1. Definitions

- a. “Reasonable suspicion” means sufficient knowledge possessed by the ESD 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 rule. 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 ESD 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 ESD official reasonably believes to be true provided by another ESD 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, limited to the particular student or students most likely to be involved in the infraction and not excessively intrusive in light of the student’s age, sex, maturity and the nature of the infraction.

2. Routine Inspection of ESD Property Assigned to Students

- a. Lockers, desks and other storage areas provided by the ESD and assigned to a particular student(s) are the property of the ESD, remain in the possession of the ESD and are under the control of the superintendent.
- b. Students may use ESD-owned storage areas for the limited purpose of temporarily keeping items needed for attendance and participation in ESD programs only. No other purpose is permitted.
- c. Students shall be provided notification that ESD-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 ESD 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 ESD.

3. Voluntary Consent

When an ESD official has reasonable suspicion to believe that evidence of a violation of law, Board policy, administrative regulation or rule is present in a particular ESD-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 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, 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.

4. Emergency/Dangerous Circumstance

- a. Where an ESD 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.

5. Search for Evidence of a Violation

- a. A search may be conducted of an individual student, a ESD-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 shall be based on reasonable suspicion 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 ESD.
- c. Searches will generally be conducted by an administrator [or by other school personnel only as authorized by the superintendent]. 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 an ESD-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 an ESD 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 ESD 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.

- (1) 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 rule may be returned to the student, as appropriate.

6. Other Searches¹

- a. Student vehicles may be parked on ESD property on the condition that the student and his/her parent(s) allows the vehicle and its contents, upon reasonable suspicion, to be examined. Additionally, student vehicles on another school district's property at activities under the jurisdiction of the ESD, 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 ESD property will be terminated for the remainder of the school year. A refusal will subject the student to appropriate disciplinary action and 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 on ESD property, at an ESD function or in the vicinity of the ESD; or
 - (2) Incidents of violence involving weapons on ESD property, at an ESD function or in the vicinity of the ESD.

Upon positive detection, a student should ordinarily be asked to voluntarily remove the metal item. The ESD 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.

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

After such need has been determined, drug-detection dogs may be used to sniff out contraband in ESD-owned storage areas or in student vehicles parked on ESD 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.

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

d. Body fluid searches of students for the presence of alcohol or drugs are prohibited.

7. 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 rule will be returned to the parent or, if also a violation of law, turned over to law enforcement officials or destroyed by the ESD as deemed appropriate by the superintendent;
- (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 ESD Property.

(2) Disciplinary action and notification of 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 ESD 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.

8. Documentation

a. Administrators shall document all searches.

b. Documentation shall consist of the following:

- (1) Name, age and sex of student;
- (2) Time and location of search;
- (3) Justification for search and nature of the reasonable suspicion;
- (4) Type/Scope of search (what was searched);
- (5) Results of search, prohibited material(s) found, disposition of the material(s) seized and discipline imposed;
- (6) Name of the witness to the search;
- (7) Name of the ESD official.

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

10. Cooperation with Law Enforcement Officials

Administrators will meet with law enforcement officials annually to review:

- a. Official contact protocols;
- b. Applicable Board policies and administrative regulations;
- c. Circumstances in which the ESD will generally be requesting local law enforcement involvement in suspected crimes;
- d. Handling of searches and evidence of suspected crimes when involving law enforcement officials.

Malheur Education Service District

STUDENT SEARCH FORM

1. Name, age and sex of student: _____

2. 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 ESD for student use would turn up evidence of a violation of law, Board policy, administrative regulation or rule or which possession or use of is prohibited by law, policy, regulation or rule?

Explain. _____

4. Describe exactly what was searched: _____

5. What did the search yield? Were any prohibited items/materials seized? Were seized items/materials turned over to law enforcement? Parents? Other? Explain.

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

7. Name of ESD official and title/position conducting the search: _____
