

# McMinnville School District #40

Code: JFG-AR  
Revised/Reviewed: 7/07  
Orig. Code: JFG-AR

## 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. 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. “Reasonable suspicion” requires sufficient probability, not absolute certainty, based on articulate facts.
  - (1) “Past experience” may provide the district official with information relevant to the violation as well as information that enables the official to evaluate the credibility of information from another person.
  - (2) “Credible information from another person” may include information that the district official reasonably believes to be true provided by another district employee, a student, law enforcement or other government official or some other person.
- b. “Reasonable 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.
- c. “District official” means a district administrator or his/her assignee that has authority over the student.
- d. Student property in a locker or other district-owned storage may be searched without individualized suspicion.

### 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 school principal.
- 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. At times general locker searches will be conducted in order to maintain a safe, orderly learning environment. Students shall be provided notification that district-owned storage areas, including district-provided electronic storage, assigned to student 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 and other instructional materials, property or equipment belonging to the district;
- (5) Conduct routine maintenance of the district network.

### 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 on the person of 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 Circumstances

- 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.

### 5. Search for Evidence of a Violation

- a. A search may be conducted of an individual student or the personal property of a student. Personal property of a student includes, but is not limited to coats and jackets, wallets, purses, lunch boxes/sacks, book bag, backpack or other containers used to carry belongings, and not including such property in district-owned storage.
- b. All searches shall be based on reasonable suspicion and shall be reasonable in scope. A "strip search", requiring a student to remove clothing (shirts, pants, dresses) down to the student's underwear or including underwear is prohibited by the district officials.
- c. Searches will generally be conducted by a school administrator or by other personnel only as authorized by the school administrator. In certain circumstances a school administrator may be assisted by a law enforcement official(s).
- d. 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 outwear 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.
- e. Searches of a student's outer clothing will be conducted by a district official of the same sex as the student.
- f. 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.
- g. 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.

- h. 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. Drug-detection dogs may be used with express approval of the Superintendent. The district reserves the right to use drug dogs in school-wide searches of common areas, including but not limited to the exterior of lockers in hallways and locker rooms, as well as the exterior of any vehicle parked on school district property. Interiors of vehicles, lockers and other areas indicated by the drug dog to possibly contain contraband will be searched by district administrators in the presence of law enforcement officials.
- b. 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, to be searched. Student vehicles on another district's property, or 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.
- c. 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. A refusal may subject the student to discipline up to and including expulsion.
- d. Metal detectors, including walk-through and hand-held devices, may be used when the Board and Superintendent determine that there is a need for such detectors based upon reasonable information of a recent 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.
  - (3) Upon positive detection, a student should ordinarily 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.
- e. Bodily 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.
- f. District administrators acting on reasonable suspicion may request that students participate in a Breathalyzer screening for alcohol at school or prior to or during a school sponsored event.
  - (1) If a student refuses, he/she may be subject to school discipline and/or referral to law enforcement officials.
  - (2) If a student is shown to have consumed alcohol after a breathalyzer test, appropriate administrative action will be taken which may include but is not limited to parent contact and law enforcement involvement.

## 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 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 school principal;
    - (b) Stolen property will be turned to its rightful owner;
    - (c) Unclaimed property may be disposed of in accordance with Board policy.
  - (2) Discipline up to and including expulsion and notification of law enforcement officials as appropriate or as otherwise required by law or Board policy.
  - (3) Loss of privileges including, but not limited to, the electronic network, district parking, and school locker(s).
- 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.

## 8. 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.