

## Student Searches\*\*

### 1. Condition Description

The Board seeks to ensure 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, subject to the requirements below, search a student's person and property, including property assigned by the district for the student's use. Searches and routine inspections may be conducted at any time on district property or when a student is under the jurisdiction of the district at school-sponsored activities. District officials may also search when they have reasonable suspicion that emergency/dangerous circumstances exist.

### 2. Guidelines

#### a. Rights

Students may be assured that the rights of the individual shall always be balanced with the needs of the school. All searches for evidence of a violation conducted by the district shall be subject to the following guidelines:

- (1) The district official shall have individualized "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) The search shall be "reasonable in scope." That is, the measures used are reasonably related to the objectives of the search and not excessively intrusive in light of the age, sex, maturity of the student and nature of the infraction.
- (3) District officials may seize any item (firearms, weapons, drugs, tobacco, alcohol, etc.) or other paraphernalia which is evidence of a violation of law, Board policy, administrative regulation or school rule, or which the possession or use of is determined by school authorities to be a threat to the safety and security of the possessor or others, or which district officials reasonably determine may be used to disrupt or interfere with the educational process.
- (4) Vehicles operated by students and parked on or adjacent to district property, whether locked or unlocked, are subject to search based upon reasonable suspicion that the vehicle contains evidence of a violation of law, Board policy, administrative regulation or school rule is present. Signs shall be posted at school parking lot entrances advising students that their vehicles are subject to search.
- (5) The student may be given the opportunity to be present when a search of personal property and possessions is conducted, if he/she is in school and there is no reason to believe that his/her presence would endanger anyone's health and safety.
- (6) A general inspection of district property assigned to students, including, but not limited to lockers or desks, may be conducted at any time. Items belonging to the district may

be repossessed, and any sealed or concealed material found inside district property may be opened and inspected.

- (a) Equipment, such as lockers and desks, belongs to the school district, and students are allowed to use it as a convenience.
  - (b) The Board insists that lockers and desks be properly cared for and not used for storage of illegal or prohibited items.
  - (c) Locking or otherwise securing student lockers or desks shall give the student exclusive possession of the locker or desk as to other students, but not exclusive possession as to the district, its administration or agents.
  - (d) Use of drug-detection dogs, metal detectors, or other detection devices, may be used on the express authorization of the Board, superintendent, or designee.
- (7) Students may be searched by law enforcement officials on district property or when the student is under the jurisdiction of the district. Law enforcement searches ordinarily shall be based upon a warrant; probable cause that a crime has been committed; for the safety of the officer, staff and students; or incident to an arrest of the student. In the event of such law enforcement request, district officials will attempt to notify the student's parent(s) in advance and will be present for all such searches, whenever possible. A district administrator (or designee) may also request a law enforcement officer to serve as an agent of the district to search students when the student is on district property or when the student is under the jurisdiction of the district.
- (8) Use of drug-detection dogs and metal detectors, or similar detection devices, may be used only on the express authorization of the Board, superintendent, or designee.

### 3. Responsibility

The superintendent shall ensure implementation of this policy in a manner, which protects student rights and provides a safe learning environment without unreasonable interference.

Students shall not act in violation of any state or federal law. Students shall not bring on the school grounds firearms or any other item determined by the school authorities to be a threat to the safety or security of anyone. Students shall not hide or seek to eradicate evidence of an illegal act.

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).

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