

Student Searches and Questioning

1. Definitions

- a. “Reasonable suspicion” means sufficient knowledge possessed by the MESD 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.
 - (1) “Past experience” may provide the MESD 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 district official reasonably believes to be true provided by another district 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 District Property Assigned to Students

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

3. Voluntary Consent

When an MESD official has reasonable suspicion to believe that evidence of a violation of law, Board policy, administrative regulation or rule is present in a particular MESD-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 or designee, contact law enforcement officials to assist with the search.

4. Emergency/Dangerous Circumstance

- a. Where an MESD 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 a district-owned storage area assigned to a student, an individual 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 MESD.
- c. Searches will generally be conducted by a building administrator or by other school personnel only as authorized by the building administrator. In certain circumstances a building 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 MESD-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 MESD 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 MESD 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.
- i. 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 Searches¹

- a. Student vehicles may be parked on MESD 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 MESD, 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 MESD property will be terminated for the remainder of the school year. A refusal will subject the student to discipline up to and including expulsion 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 MESD property, at a school function or in the vicinity of the school; or
 - (2) Incidents of violence involving weapons at on MESD property, at an MESD function or in the vicinity of the MESD.

Upon positive detection, a student should ordinarily be asked to voluntarily remove the metal item. The MESD 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 MESD property, at an MESD function or in the vicinity of the MESD; or
 - (2) Incidents of violence or health emergencies involving drugs and/or drug paraphernalia at on MESD property, at an MESD function or in the vicinity of the MESD

After such need has been determined, drug-detection dogs may be used to sniff out contraband in MESD-owned storage areas or in student vehicles parked on MESD property upon reasonable suspicion to believe that contraband is in the area or vehicle.

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

- Drug-detection dogs will not be used for general or “dragnet” searches.
- d. Body fluid searches of students for the presence of alcohol or drugs are prohibited by the MESD unless specifically authorized by the Board.

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 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 building principal;
 - (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 MESD Property.
 - (2) Discipline up to and including expulsion 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 MESD 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. Building 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 MESD 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

- a. Building administrators will meet with law enforcement officials annually to review:
 - (1) Official contact protocols;
 - (2) Applicable Board policies and administrative regulations;
 - (3) Circumstances in which the MESD will generally be requesting local law enforcement involvement in suspected crimes;
 - (4) Handling of searches and evidence of suspected crimes when involving law enforcement officials.

11. Questioning

When law enforcement officials find it necessary to question students during the school day or during periods of extracurricular 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 and law enforcement officials may exclude MESD personnel from investigation procedures and may prohibit informing the parent.

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 while maintaining safety.