

Student Searches

Definitions

“Reasonable suspicion” means sufficient knowledge possessed by the district administrator or designee at the time of the search or authorization of the search which would lead a reasonable person to believe that a search of a particular student or place shall likely turn up evidence of a violation of law, Board policy, administrative regulation or school rule. The administrator’s knowledge may be based upon relevant past experience of the administrator, observation by the administrator 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 administrator with information relevant to the violation as well as information that enables an evaluation of the credibility of information from another person.
2. “Credible information from another person” may include information that the district administrator reasonably believes to be true provided by another district employee, a student, law enforcement or other government official or some other person.

“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.

Administrator means a district administrator or designee.

Routine Inspection of District Property Assigned to Students

1. 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.
2. 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.
3. Students shall have no expectation of privacy regarding district property assigned to them. Students shall be provided notification that district-owned storage areas, including district-provided electronic storage, assigned to students are subject to routine inspection without prior notice for the following reasons:
 - a. Ensure that no item which is prohibited on district premises is present;

- b. Ensure maintenance of proper sanitation;
- c. Ensure mechanical condition and safety;
- d. Reclaim overdue library books, texts and other instructional materials, property or equipment belonging to the district;
- e. Conduct routine maintenance of the district network.

Voluntary Consent

When a district administrator has reasonable suspicion to believe that evidence of a violation of law, Board policy, administrative regulation or school rule is present, the administrator has the option of making a search or asking the student to voluntarily provide the evidence sought. Before making a search, the administrator 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 administrator may search for the evidence evaluating student and staff safety and the least intrusive search methods. The administrator may elect to contact the student's parents or, after consulting with the superintendent, contact law enforcement officials to assist with the search.

Emergency/Dangerous Circumstances

Where a district administrator 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 administrator may make a search to the extent necessary to relieve the emergency or dangerous circumstance.

In responding to such an emergency or dangerous circumstance, the actions of the administrator shall be no more intrusive than necessary.

Search for Evidence of a Violation

1. A search may be conducted of an individual student, a district-owned storage area, including district-provided electronic storage, 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.
2. All searches of the student or the student's personal property 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.
3. Searches shall 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). At times, general locker searches shall be conducted in order to maintain a safe, orderly learning environment.
4. The student shall generally be permitted to be present during a search of a district-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.

5. Search of a student's clothing shall be limited to the student's "outer clothing" only. "Outer clothing" means the student's coat, jacket, dress, skirt, shirt, pants, pockets, shoes or other such outerwear 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.
6. Searches of a student's outer clothing shall be conducted by a district administrator of the same sex as the student whenever possible.
7. Searches shall be conducted in private, 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.
8. 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.

Other Searches

1. 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. Additionally, student vehicles on another district property at activities under the jurisdiction of the district property 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.

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 shall be terminated. A refusal may subject the student to discipline up to and including expulsion and law enforcement officials may be notified.

2. 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 history of:
 - a. Weapons or dangerous objects found at school, on district property, at a school function or in the vicinity of the school; or
 - b. 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 administrator may search the clothing or personal property of the student for the item if the student refuses consent or if the positive detection is not satisfactorily explained.
4. Drug-detection dogs or other detection animals/devices may be used when the superintendent determines that there is a need for this based upon reasonable information of a history of:
 - a. Drugs or drug paraphernalia use/possession at school, on district property, at a school function or in the vicinity of the school; or

- b. Incidents of violence or health emergencies involving drugs or drug paraphernalia at a school, on district property, at a school function or in the vicinity of the school.

After such need has been determined, drug-detection dogs or other animals/devices may be used to find contraband in district-owned storage areas or in student vehicles parked on district property.

Drug-detection dogs or other animals/devices may be used for general or “dragnet” searches of student lockers or other areas deemed appropriate by the superintendent.

5. When there is reason to believe a student has ingested a controlled substance, the district may use a breathalyzer, and, if deemed appropriate, may request that the student voluntarily submit to a urinalysis. In such cases, the district shall use trained personnel to conduct the urinalysis.

Discipline

Possession or use of unauthorized, illegal, unhealthy or unsafe materials shall 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, shall be returned to the parent or, if also a violation of the law, turned over to law enforcement officials or destroyed by the district as deemed appropriate by the principal;
 - b. Stolen property shall 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).

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 shall be documented.

Notice

Notice of the Board’s policy and pertinent provisions of this regulation shall be provided to staff, students and their parent(s) annually, through such means as staff and student/parent handbooks.

Cooperation with Law Enforcement Officials

School administrators shall meet with the law enforcement officials to review:

1. Official contact protocols;
2. Applicable Board policies and administrative regulations;

3. Circumstances in which the district shall generally be requesting local law enforcement involvement in suspected crimes;
4. Handling of searches and evidence of suspected crimes when involving law enforcement officials.