

Student Searches and Questioning

I. SEARCHES

The Board seeks to create a climate in the district which assures the safety and welfare of all. Equipment, such as desks and lockers, belong to the district and students are allowed to use this equipment as a convenience. The district shall insist that desks and lockers be properly cared for and not used for the storage of illegal items.

Rights

Students may be assured that the rights of the individual shall always be balanced with the needs of the district. In a search and seizure situation, the following procedures shall be followed:

1. A search of the student's person or property should be limited to a situation where there is reasonable suspicion that the student is hiding evidence of an illegal act or district violation;
2. Illegal items (firearms, weapons, etc.) or other possessions reasonably determined by district authorities to be a threat to the safety of students or others shall be seized by district authorities;
3. Items which may be used to disrupt or interfere with the educational process shall be removed from the student's possession;
4. When a district official has reasonable suspicion relating to safety or security, a general search of district properties including, but not limited to, lockers and/or desks may occur. Items belonging to the district may be seized;
5. All items seized shall be returned to the proper authorities or the true owner;
6. When possible and practical, the student shall be present when a search of personal possessions is conducted;
7. The librarian, with another teacher or aide present, may search lockers for library books.

Responsibilities

1. Students shall not bring to school firearms or other possessions reasonably determined to be a threat to the safety or security of the student or others.
2. Students shall not hide evidence of an illegal act or district violation.

II. ACCESS TO STUDENTS DURING SCHOOL TIME

- A. Law enforcement officers shall report their presence in a building to the principal or other building administrator and may proceed, with administrative cooperation, in contacting students.
1. When a student is called to the office for questioning by a law enforcement officer the student will be asked by the officer, or by an administrator with an officer present, if he/she wishes to speak to the officer. The student may agree or may refuse to voluntarily speak to the officer.
 2. Any investigation of child abuse is properly directed by Children’s Services Division or law enforcement officials. The district has the responsibility to cooperate with the investigating agency and not to shelter the child from any investigation.
- If a child abuse investigation occurs on the district premises, the administrator must be apprised of the situation as long as the investigation does not concern the administrator. The administrator, or staff member who is designated by the administrator, can be present at the interview of the student at the discretion of the investigating official.
3. The administrator should inform the investigating official if the student has any disabling conditions.
 4. Confidential school records cannot be used in an investigation without an appropriate subpoena or to conform with Oregon law.
 5. Interviews or investigations by law enforcement personnel not based on allegations of child abuse are permitted to provide for the giving and receiving of information in a discussion process. An administrator or designee when possible shall be present during an interview on district premises. The administrator will use discretion in deciding whether such an interview will proceed without a parent present. Reasonable effort will be made to notify the student’s parents or guardian before such an interview is held unless the administrator deems this unwarranted.
 6. When a student is a suspect in a criminal act and is to be interrogated by a law enforcement official for the purpose of establishing involvement in the act, interrogation will be allowed only with parental consent. Normally, interrogation should occur outside the school.
- B. When a school administrator has “reasonable suspicion” to believe that evidence of a violation of law, Board policy, administrative regulation or school rule exists the administrator has the option of asking the student to voluntarily provide the evidence or information sought. “Reasonable suspicion” means the manner and extent of the interrogation related to the objective of the questioning, limited to the particular student or students most likely to have knowledge of the infraction, and not excessively intrusive in light of the student’s age, sex, maturity and the nature of the infraction. Reasonable effort will be made to notify the student’s parent or guardian before such an interview is held unless the administrator deems this unwarranted.

III. ARREST OR TAKING A JUVENILE INTO CUSTODY

- A. Unless a student is placed under arrest by a legal authority, an administrator cannot release a student to a law enforcement officer without one of the following:
1. A court order;
 2. A custody document;
 3. Permission of the custodial parent or guardian.

Law enforcement personnel removing a student from school shall notify school authorities as soon as practical when the student is taken into custody.

- B. In all cases where a student is taken from the building by a law enforcement officer. Law enforcement personnel have the primary responsibility for notifying parents and for complying with all rules and regulations regarding the handling of juveniles.