

Student Searches**

REPLACEMENT

1. Definitions

- a. “Reasonable suspicion” is based upon specific and clearly explainable facts to believe that the student personally possesses or is in possession of some item including but not limited to controlled substances or weapons that poses an immediate threat to the safety of the student, ESD officials and/or others at the school/ESD. 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 ESD 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 ESD official reasonably believes to be true provided by another ESD employee, a student, 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, the official’s responsibilities to provide a safe campus environment and limited to the particular student or students most likely to be involved in the infraction and the area(s) which could contain the item(s) sought, and not excessively intrusive in light of the student’s age, gender, maturity, and nature of the infraction. Strip searches are not considered reasonable.

2. Routine Inspection of ESD Property Assigned to Students

- a. Lockers, desks, ESD computers and other storage areas provided by the ESD and assigned to a particular student or students are the property of the ESD, remain in the possession of the ESD, and are under the control of the superintendent or designee. Students have no expectation of privacy regarding these items/areas.
- b. Students may use ESD-owned storage areas for the limited purpose of temporarily keeping items needed for attendance and participation in ESD instructional and activity programs only. No other purpose is permitted.
- c. Students shall be provided notification that ESD-owned storage areas assigned to students are subject to routine inspection without prior notice for the following reasons:
 - (1) To ensure that no item which is prohibited on ESD premises is present;
 - (2) To ensure maintenance of proper sanitation;
 - (3) To ensure mechanical condition and safety; and

- (4) To reclaim overdue library books, texts, or other instructional materials, property, or equipment belonging to the ESD.

3. **Voluntary Consent**

When an ESD official has the requisite justification to search either a particular ESD-owned storage area assigned to a student, or the clothing or personal property of a student, the official has the option of making a search or asking the student to voluntarily provide the item(s) sought.

Before making a search, the official should ordinarily ask for the student's voluntary consent by requesting the student empty the contents of the storage area, clothing, or personal property. If the student refuses consent for his/her personal property, the official may elect to contact the student's parent(s)/guardian to obtain consent for the search of personal property.

4. **Search Procedures for Search of Student and/or Personal Property of Student (Except That Stored in an ESD Owned Area)**

- a. With the requisite justification, an ESD official may search an individual student, an ESD-owned storage area assigned to a student or the personal property of a student. Personal property of a student includes, but is not limited to wallets, purses, electronic devices, computer disks, notebooks, lunch boxes/sacks, book bag, backpack, or other containers used to carry belongings.
- b. All searches of a student or a student's personal property shall be based on the required reasonable suspicion/risk, of an immediate threat to the safety of the student, ESD officials, and/or others at the ESD, 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 ESD.
- c. Searches will generally be conducted by an administrator or other person designated by the superintendent or designee. In certain circumstances an 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 ESD-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. Examples of "outer clothing" include the student's pants, shirts, socks, shoes, hats, sweaters, coats, jackets, or other such outerwear garments worn by the student. A search of the clothing may include the search of a container inside the clothing, provided the container is of a size and shape capable of holding the object of the search.
- f. Searches of a student's outer clothing will be conducted by an ESD official of the same gender as the student.
- g. Where the object of the search may be felt by a "pat down" of clothing or personal property, the ESD 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 gender as the student.

- i. Any item removed from the student as a result of the above procedures which is not evidence of a violation of law, Board policy, administrative regulation, or school rule may be returned to the student, as appropriate.

6. Other Searches

- a. Student vehicles may be parked on ESD property on the condition that the student and his/her parent(s)/guardian allows the vehicle and its contents, upon reasonable suspicion/risk of immediate serious harm, to be examined.

If a student or parent(s)/guardian refuses to allow access to a vehicle when requested under the circumstances described above, the student's privilege of bringing a vehicle onto ESD property will be terminated for twelve calendar months. 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 at school, on ESD property, at an ESD function, or in the vicinity of the ESD property; or
 - (2) Incidents of violence involving weapons on ESD property, at an ESD function, or in the vicinity of the ESD.

Upon positive detection, a student will be asked to voluntarily remove the metal item. If the student refuses consent, the student will be held (will not be allowed further entrance into the building) and any personal property will be seized and secured while the parent(s)/guardian and law enforcement officials are summoned.

- 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 at school, on ESD property, at an ESD function, or in the vicinity of the ESD; or
 - (2) Incidents of violence or health emergencies involving drugs and/or drug paraphernalia on ESD property, at an ESD function, or in the vicinity of the ESD.

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

Drug-detection dogs will not be used for general or "dragnet" searches of students' persons.

- d. Body 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 an athlete drug-testing program or have been consented to as part of the ESD's alcohol and drug diversion program.

- e. The ESD may deploy breathalyzer devices at extracurricular events and activities. Students may be subject to testing procedures as a prerequisite to attending the event/activity. If a student refuses testing, he/she will be refused admission, and parent(s)/guardian will be contacted to come and take the student home.

6. Discipline

- a. Possession or use of unauthorized, illegal, or unsafe materials will result in the following:
 - (1) Seizure of the material:
 - (a) Property, the possession of which is a violation of the law, Board policy administrative regulations, or rule will be returned to the parent(s)/guardian or, if also a violation of the law, turned over to law enforcement officials or destroyed by the ESD as deemed appropriate by the superintendent or designee;
 - (b) Stolen property will be returned to its rightful owner; and
 - (c) Unclaimed property may be disposed of in accordance with Board policy (DN - Disposal of ESD Property).
 - (2) Discipline, up to and including expulsion and notification given to law enforcement officials as appropriate or as otherwise required by law or Board policy.

7. Documentation

- a. Administrators shall document all searches.
- b. Documentation shall consist of the following:
 - (1) Name, age, and gender of student;
 - (2) Time and location of the search;
 - (3) Justification for search, and the nature of the reasonable suspicion/risk of immediate and serious harm;
 - (4) Description of the object(s) of the search;
 - (5) Type /scope of search (areas/items searched);
 - (6) Results of the search, prohibited material(s) found, disposition of the materials(s) seized and discipline imposed;
 - (7) Name of the witness to the search;
 - (8) Name of the ESD official conducting the search;
 - (9) Contacts with law enforcement and name/position of the contact(s).
- 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.

8. **Notice**

Notice of the Board's policy and this administrative regulation will be provided to staff, students, and their parent(s)/guardian annually, through staff and student/parent handbooks.

9. **Cooperation with Law Enforcement Officials**

a. 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 ESD will generally be requesting local law enforcement involvement in student searches and suspected crimes;
- (4) Handling of searches and evidence when involving enforcement officials.

**"As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 125.005 (4) and 125.300 - 125.325. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in ORS 419B.373. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 109.056. For special education students, parent also includes a surrogate parent, an adult student to whom rights have transferred and foster parent as defined in OAR 581-015-2000."

STUDENT SEARCH FORM

- 1. Name of student: _____
Age: _____ Gender: _____

- 2. Date, time and location of search: _____

- 3. Basis for search and nature of reasonable suspicion. What factors caused you to have a reasonable suspicion that the search of this student, his/her person or property or assigned by the ESD for student use would turn up evidence of some item that posed an immediate threat to the safety of the student, ESD officials and/or others at the ESD? Describe.

- 4. Describe areas and items searched:

- 5. What did the search yield? Were any prohibited items/materials seized? Were seized items/materials turned over to law enforcement? Parent(s)/Guardian? Why or why not? Explain and include name(s)/position(s) of law enforcement contacts.

- 6. Was discipline imposed? Why or why not? _____

- 7. Name and title/position of the witness to the search: _____

- 8. Name and title/position of ESD official conducting the search: _____

Signature of Witness

Date

Signature of ESD Official Conducting Search Date