

## **Student Searches\*\***

### REPLACEMENT

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, ESD officials may, subject to the requirements below, search a student's person and property, including property assigned by the ESD for the student's use. Such searches may be conducted at any time on ESD property or when the student is under the jurisdiction of the ESD at ESD-sponsored activities.

All student searches conducted by the ESD shall be subject to the following requirements:

1. The ESD official shall have individualized, "reasonable suspicion" 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, 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, the official's responsibilities to provide a safe campus environment, and the area(s) which could contain the item(s) sought and not excessively intrusive in light of the age, gender, maturity of the student and nature of the infraction. Strip searches are not considered reasonable.

Routine inspections of ESD property assigned to students may be conducted at any time.

Use of drug-detection dogs and metal detectors, or similar detection devices, may be used only on the express authorization of the superintendent or designee or as specified in Board policy and administrative rule.

ESD officials may seize any item which is evidence of a violation of law, Board policy, administrative regulation, or which the possession or use of is prohibited by such law, policy, regulation or rule.

Students may be searched by law enforcement officials on ESD property or when the student is under the jurisdiction of the ESD. Law enforcement searches ordinarily shall be based upon a warrant. ESD officials will attempt to notify the student's parent(s)/guardian in advance and will be present for all such searches, whenever possible.

The superintendent shall develop an administrative regulation for implementing this policy in a manner which protects students' rights and provides a safe learning environment without unreasonable interference. Provisions for staff, student and parent/guardian notice of the Board's policy and accompanying regulation shall be included.

## END OF POLICY

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### 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).

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### Cross Reference(s):

KN - *Relations with Law Enforcement Agencies*

\*\*\*"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."