



# BOARD POLICY

## Search and Seizure

### 4.30.040-P

**11/26/2019 Draft**

The Board of Education is committed to maintaining a safe school environment while respecting the privacy rights of students. The purpose of this policy is to preserve and foster a safe, non-disruptive educational environment for effective teaching and learning, to maintain a safe school climate, and to achieve these objectives consistent with the law.

The Board recognizes that each student shall have the right to privacy at school with respect to each individual person, which is also accorded to public school students by law. To protect the educational climate and the health and safety of students and staff, school officials are empowered to conduct searches of students and student property when the school official has a reasonable suspicion that there has been a violation of a law, District policy or school rule or policy, and the official has a reasonable suspicion that the search will produce evidence of that wrongdoing. Parents/guardians shall be notified after a search of a student's person or property and shall be informed of the results of the search.

Reasonable suspicion may include, but is not limited to, eyewitness observations of school personnel; information from a source deemed reliable; suspicious behavior; recognizable smell of alcohol, tobacco or marijuana; or other unusual behavior.

A school official may conduct a search during the school day and during all school-sponsored activities such as athletic events or concerts, whether on or off school property. In conducting a search of a student or student property, a school official shall take reasonable steps to preserve student privacy and dignity whenever possible and encourage student cooperation in any search.

The School District provides students with storage areas, such as lockers, desks and similar areas and also provides students certain technology, software and internet access (collectively, "District Property"). Students do not have an expectation of privacy in District Property. School officials are permitted to search District Property or other non-student property as needed and without reasonable suspicion, student/parent/guardian consent, or notification. They are also permitted to inspect unidentified items found on PPS property without reasonable suspicion.

Students and parents/guardians shall be notified of the District's policy regarding search and seizure in readily-available materials, such as the Student Handbook [insert link]. Students and parents/guardians will also be notified of complaint procedures available to them.

Parents/guardians shall also be notified before any law enforcement conducts an interview of a student ~~who is the subject of an investigation taking place~~ on District premises, and no interview shall take place without parental/guardian consent. This requirement to notify parents/guardians does not apply when the child is ~~taken into protective custody interviewed~~ as a suspected victim of child abuse or if there is an imminent threat to safety or security. By law, school administrators may not interfere with the ~~lawful~~ arrest of students.

The District will develop a tracking system and report its findings to the Superintendent and the Board on an annual basis.

For more information about the process which school officials may conduct a search or seizure of students or their property, the nature and types of prohibited property, and other details on the implementation of this policy, see the related Administrative Directive [insert link].

Legal References: ORS 332.075; ORS 419B.010 - 419B.045; OAR 581-021-0050 to -0075; ORS 332.107

History: Adpt 8/27/73; Amd 5/84; Amd 10/25/84; Amd 10/13/88; Amd 10/25/90; Amd 9/9/02; BA 2420