



PORTLAND PUBLIC SCHOOLS

OFFICE OF STRATEGIC PARTNERSHIPS & ENGAGEMENT

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Date: April 20, 2020

To: Board Policy Committee: Chair Rita Moore, Eilidh Lowery, Julia Brim-Edwards

From: Shanice Clarke, Director of Community Engagement

CC: Jonathan Garcia, Chief Engagement Officer
Guadalupe Guerrero, Superintendent
Liz Large, General Counsel

Subject: Search & Seizure Policy 4.30.040-P: Updated Student Engagement Memo

Background

On October 29th, 2019, the Board of Education and Superintendent Guerrero agreed that in order to fully adopt the Search and Seizure Policy, additional student engagement and input would be required to shape a strong and student-centered policy. Since then, the Community Engagement Department executed on a truncated—yet effective—student engagement plan, maximizing student input during the public comment period.

A Lens on Youth Voice

Under the direction of Superintendent Guerrero and the Board of Education, Portland Public Schools is on a mission to cultivate student voices and student sense of belonging in our collective effort to transform and reimagine the district. We believe that when policy that impacts the lived experiences of young people in our school system centers the insight and foresight of the students, we will see a policy that is unwavering creating a positive culture and process for students in our buildings. Moreover, by seeking thoughtful student perspectives, we hope to elevate unintended consequences and concrete solutions in cross-functional district policy writing. Lastly, aligned with Portland Public Schools reimagined, our hope in our students is that they become critical thinkers committed to advocating for just environments.

Initial Community Engagement

Between the month of October and November, Community Engagement staff visited freshman inquiry courses, student fairs, student-led organizations, and other school programming to review the proposed revisions of the Search and Seizure Policy. This includes the following meetings:

Sunday 9/8 Portland Committee on Community-Engaged Policing at Youth Subcommittee

Tuesday 10/29 Feedback Meeting at District Student Council

Monday 11/4 Class Visits at Madison High School

Wednesday 11/6 Student Organization Visit at Roosevelt High School

Friday 11/8 Class Visits at Jefferson High School

Wednesday 11/13 Student Assembly at Wilson High School

Wednesday 11/13 Class Visits at Cleveland High School

In total, we captured close to 200 comments from these engagements. Staff reviewed, categorized and created themes for ideas that were received by at least from two distinct voices. Table one provides student suggestions to strengthen the policy:

Table 1. Initial Student Suggestions on Search & Seizure Policy

Student Suggestions	Cumulative Percent
Add grievance reporting resources on staff misuse of policy	44%
Racial equity informed policy language to limit bias in interpretation of reasonable suspicion ¹	26%
Send parent communication prior to searches, especially those not involving imminent threat	15%
Accountability structure to track searches, disaggregate by race, gender, and ability	10%
Add policy language for marijuana suspicions to refer to Healthy Substance Use policy procedure	6%
Student option to select a preferred staff member to conduct the search and/or identify a support person to be present during the search	5%
Add acknowledgement that religious items that students wear should be avoided from removal in searches	2%

*The total exceeds 100% as individuals could provide multiple forms of feedback.

“..there are many of cases where students of color are regularly identified for searches, and nothing is found. How can the policy account for how the district identifies students? - Wilson student

Responses were categorized into 7 themes. The first two themes had a significantly larger representation of community feedback (70%). By count, these two themes had over 2/3 of recurrences, compared to the remaining themes:

1. Adding grievance reporting resources on staff misuse of policy
2. Racial equity informed policy language to limit bias in interpretation (gang member, reasonable suspicion)

The next cluster represents (25%) and incorporated the following themes:

3. Send parent communication prior to searches, especially those not involving imminent threat
4. Accountability structure to track searches, disaggregate by race, gender, and ability

The final cluster represents (13%) of student feedback:

5. Add policy language for marijuana suspicions to refer to Healthy Substance Use policy procedure
6. Request to select the staff member who conducts search and/or a support person during search
7. Acknowledgement of refraining from removing religious items

"I observed a student's rights being violated through a search...he was searched because of the screensaver on his computer." -Jefferson Student

Second Phase of Community Engagement

Staff reviewed, categorized and created themes for suggestions to strengthen the policy. Student Board of Education Director Latterell and the Senior Advisor for Racial Equity & Social Justice created a draft policy language with those suggestions, which were brought to additional engagement opportunities for student feedback. Those engagement opportunities included:

Thursday 2/20 PPS Gay Straight Alliance Middle School Summit Workshop

Friday 2/28 International Youth Leadership Conference Engagement

Monday 3/2 Class Visits at Madison High School

Monday 3/2-3/7 District Student Council Outreach at High Schools

In total, we captured 359 comments from these engagements. Staff reviewed, categorized and created themes for ideas that were received by at least from two distinct voices. Table two provides student suggestions on parental notification and a tracking system from all engagement except Madison High School:

Table 2. Student Feedback on Suggested Revisions for Search & Seizure Policy

Results from Additional Targeted Student Engagement	Cumulative Percent
Agrees with suggested revision language, “Parents//guardians shall also be notified before any law enforcement conducts an interview of a student on District premises. Interviews shall take place with parental/guardian consent except in specific scenarios outlined in the administrative directive.”	75%
Agrees that a tracking system should be created, in order to comply with PPS Racial Educational Equity Policy to eliminate racial disproportionality in discipline	45%

*The total exceeds 100% as individuals could provide multiple forms of feedback.

Responses were categorized into 2 themes. The first two themes had a significantly larger representation of community feedback (40%). By count, these two themes had over 2/5 of recurrences, compared to the remaining themes:

1. Agrees with suggested revision language, “Parents//guardians shall also be notified before any law enforcement conducts an interview of a student on District premises. Interviews shall take place with parental/guardian consent except in specific scenarios outlined in the administrative directive.”
2. Agrees that a tracking system should be created, in order to comply with PPS Racial Educational Equity Policy to eliminate racial disproportionality in discipline

In alignment with the PPS Racial Education Equity Policy and resulting PPS Racial Equity and Social Justice Plan, PPS acknowledges the practices that lead to overrepresentation of students of color in discipline. We understand systemic and cultural racism in both the education and criminal justice system and resulting presence of bias in the interpretation in reasonable suspicion. In alignment with PPS vision and values, the district will adopt practices that confront and eliminate bias in interpretation of reasonable suspicion. Student feedback was solicited on additional language to limit the interpretation of bias in reasonable suspicion.

Table three provides student input of potential biases in staff interpretation of reasonable suspicion:

Table 3. Student Input on Potential Biases When Interpreting Reasonable Suspicion

Racial Equity & Social Justice informed policy language suggestions, to limit bias in interpretation of reasonable suspicion	Cumulative Percent
Appearance, including; clothing, piercings, weight, natural	42.6%

hair texture	
Race, ethnicity, accent, or cultural origin	41.5%
Gender identity, sexuality, sexual orientation	10.8%
Rumors, reputation, friend association, attitude, personal opinions, mood, voice or tone, 'being a loner', personality traits	8.6%
Age	6.4%
Income	5%
Religion	2.8%

*The total exceeds 100% as individuals could provide multiple forms of feedback.

Student input on potential biases when interpreting reasonable suspicion was categorized into 7 themes. The first two themes had a significantly larger representation of community feedback (84.1%). By count, these two themes had over 7/10 of recurrences, compared to the remaining themes:

1. Appearance, including; clothing, piercings, weight, or natural hair texture
2. Race, ethnicity, accent, or cultural origin

The next cluster represents (19.4%) and incorporated the following themes:

3. Gender identity, sexuality, sexual orientation
4. Rumors, reputation, friend association, attitude, personal opinions, mood, voice or tone, 'being a loner', or personality traits

The final cluster represents (14.2%) of student themes:

5. Age
6. Income
7. Religion

Opportunity Analysis

The Administrative Directive outlines the protocol for the policy, and there are opportunities to revise both documents to address areas that may be revised. Other comments made from students during engagement include a request for searches to happen in private settings, and clarification regarding students providing staff access to their cell phones.

Suggested Policy Revisions and Engagement - Search and Seizure Policy 4.30.040

Maxine Latterell, Student Representative, Board of Education

DL

Current Policy Revision and Issue for Discussion	Suggested Language and/or Approach	Recommended Engagement for Students Most Impacted by Decision	Suggested Revisions for the Administrative Directive 4.30.041-AD
<p><i>Parental Consent and Presence during police interviews</i></p>		<p>Communicate with affinity groups:</p> <p>Clubs in schools such as BSUs, Mental Health clubs, MECHAs, Asian and Pacific Islander clubs and NASUs.</p> <p>Organizations such as Beam Village and Oregon Foster Youth Connections.</p>	<p>Pg. 8 (5) Involvement of Law Enforcement</p> <p>Add language about parental presence during interviews, including a process for students to select a trusted adult or emergency contact.</p>
<p><i>Documentation and tracking system for reporting</i></p>	<p>Add to suggested revision language:</p> <p>The District will develop a tracking system and report its findings to the Superintendent and the Board on an annual basis.</p> <p>Consider adding more language around RESJ intent.</p>	<p>Discuss with students from core classes such as history and English to hear from a diverse student population.</p> <p>The listener should take detailed notes but keep the students anonymous as to hear the perspective and experiences of the students in order to report incidents to contribute to track in the event that tracking doesn't reflect what students are saying as well as gain another lens on the events.</p>	<p>Pg. 6 (4) Additional Provisions</p> <p>Add specifics of documentation and tracking system for reporting.</p> <p>Information gathered should include student demographic information (race, gender, etc.) for each search incident.</p> <p>Reporting should include racial disproportionality analysis.</p> <p>Reporting should be directed to the Superintendent and Board of Education for annual review.</p>
<p><i>RESJ Informed policy language to limit bias in interpretation of reasonable suspicion</i></p> <p>Cross-reference PPS Racial Education Equity Policy</p> <p>Section D: The District shall remedy the practices, including assessment, that lead to the over-representation of students of color in areas such as special education and discipline, and the under-representation in programs such as talented and gifted and Advanced Placement.</p>	<p>Add language in third paragraph:</p> <ul style="list-style-type: none"> • Explicitly states PPS commitment to RESJ, • Acknowledgment of disparities in discipline and presence of bias • PPS expectation to confront and eliminate bias in interpretation in reasonable suspicion 	<p>Go to student groups listed above and ask them to review the proposed language as well as what they believe will limit bias when it comes to the implementation of the policy.</p> <p>Ask students what racially informed language they want to hear from their teachers/administrators and what they believe to be effective.</p>	<p>Pg. 2 (2) Requirements for searches</p> <p>Add new section A 1.</p> <p>Approaches to limit bias in interpretation of reasonable suspicion</p>



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