



# BOARD POLICY

## Search and Seizure

# 4.30.040-P

~~11/26/2019~~ 12/19/20 4/21/20 Draft

### 1. Purpose

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.

### 2. Definitions

- a. Reasonable suspicion is a standard of proof that is based on specific and articulable facts, along with rational inferences from those facts. Examples of reasonable suspicion may include, but are 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.
- b. Interview by law enforcement means the intentional questioning of a student when the student feels he/she does not feel free to leave the room or disengage from the conversation. Students seeking out and engaging in conversations with law enforcement during the course of the school day does not constitute an interview.
- c. Parent/Guardian is the person who has been identified in schools records as having a custodial relationship with the student.
- d. Imminent Threat is an immediate threat of serious bodily injury or death.

### 3. Framework

In alignment with the [PPS Racial Education Equity Policy](#) and resulting PPS RESJ Framework and 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.

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. Parents/guardians shall also be notified before law enforcement officers conduct an interview of potential witnesses or victims although administrators may make exceptions in instances where this notice may deter a student who is the victim of a crime from reporting. Interviews shall take place with parental/guardian consent except in specific scenarios outlined in the administrative directive, 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 or witness 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.~~

#### **4. Tracking system**

The District will develop a tracking system and report its findings to the Superintendent and the Board on an annual basis. In order to comply with PPS Racial Educational Equity Policy to eliminate racial disproportionality in discipline, the tracking system should capture demographic information, and other indicators which will help to identify, analyze and monitor disparities.

#### **5. Process**

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; Amd 4/20