



## Administrative Directive 4.30.041-AD

### Searches of Students and Their Property; Handling of Prohibited Items

This Administrative Directive (AD) implements Board policy 4.30.040-P, which strives to preserve and foster a safe educational environment for effective teaching and learning and to maintain safe schools.

School officials are authorized to conduct searches of students and their property if the official has a reasonable suspicion that there has been a violation of a law, district policy, or school rule and that the search will produce evidence of that violation. School officials may search a student, and a student's personal belongings or lockers, according to the procedures below and may seize any illegal or unauthorized items discovered in the search. This AD applies during the school day and during all school-sponsored activities, whether on or off school property, including extra-curricular activities and athletic events. Searches should be done in a manner that preserves the dignity and privacy of students whenever possible. All searches, including those in which no illegal or unauthorized items were found, will be documented and reported to the District through the Prohibited Item Google Log Form.

**(1) Possession of Prohibited Items.** The following items are prohibited on school grounds and at school functions:

- (a) Dangerous or deadly weapons including, but not limited to, firearms, knives, metal knuckles, straight razors, weapons of the nunchaku type, stun guns, mace, and other instruments capable of inflicting injury to persons or property;
- (b) Explosives;
- (c) Noxious, irritating, or poisonous gases;
- (d) Poisons;
- (e) Intoxicants and drugs (except medicines prescribed for the student, which shall be in the labeled container, and non-prescription medications);
- (f) Paraphernalia used in the transporting, sale, or use of illegal drugs, including but not limited to vaping devices, syringes, and flasks;
- (g) Stolen property;
- (h) Materials or devices which endanger the physical safety of persons or property;



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- (i) Gang member property with identifying markings or paraphernalia;
- (j) Materials, devices, property with identifying markings or paraphernalia which are patently racially, religiously or sexually offensive, including those associated with clubs, sects, or groups avowing or practicing discrimination against persons on the basis of age, color, creed, disability, marital status, national origin, race, religion, sex, or sexual orientation; and
- (k) Other items or materials prohibited by Board policies, Administrative Directives, or other District or school rules.

#### (2) Requirements for searches

- A. Reasonable suspicion: School officials can search students or their property when the following criteria are met:
  - (1) the official has a reasonable suspicion that there has been a violation of a law, district policy, school rule or policy, or a school official's legitimate direction, and
  - (2) the official has a reasonable suspicion that the search will produce evidence of the wrongdoing of that violation. The reasonable suspicion should be supported by specific facts for suspecting the search will produce evidence of a violation of law, district policies, or school rules. The basis for reasonable suspicion may include, but is not limited to, observations of school personnel; information from a source deemed reliable; suspicious behavior; recognizable smell of alcohol, tobacco, or marijuana; or unusual behavior.
- B. Limiting bias: Administrators should attempt to limit bias when determining if they have reasonable suspicion. One of the most effective ways to eliminate bias is through consistently making decisions with the PPS Racial Equity and Social Justice Lens.  
(<https://www.pps.net/Page/95>) Prior to any search, it is recommended that administrators ask the following in determining whether reasonable suspicion exists:



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- (1) Is the observable basis of your reasonable suspicion displayed by other students, including white students?
- (2) Is the observable basis of your reasonable suspicion a stereotype that affirms a culturally racist narrative?
- (3) Is the observable basis of your reasonable suspicion independent of normative behaviors that reinforce disparate treatment based on race, such as assuming a student wearing a hoodie is engaged in prohibited behavior?

- C. Scope of permissible searches: The initial search should include only the location in which there is reasonable suspicion that the search will produce evidence of the suspected wrongdoing. If, during the initial search, evidence is found that leads to a reasonable suspicion that additional items or evidence may also exist in another place, the scope of the initial search may be broadened based on the new information.
- D. School officials authorized to conduct searches: Whenever possible, searches will be conducted by a building administrator or by a person designated by the administrator. Two staff members should be present during a search. If an administrator is not present, and the situation is urgent, a non-administrative staff member can conduct a limited search, but must notify the building administrator as soon as possible and document why it was urgent. If the search is of a student themselves, at least one of the two staff members should be the same gender as the student being searched.
- E. Cooperation of student: The school official conducting a search of a student's person and/or property or locker shall encourage the student to freely participate in the inspection; however, provided there is reasonable suspicion, the official may conduct the search without such cooperation.
- F. Preservation of student privacy: Whenever possible, the student should be escorted to the main office prior to the search so the search can take place in a more private location.
- G. Notification of parent/guardian: Parents shall be notified afterwards of the actions taken by the school officials.



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H. Document the search: All searches must be documented to include the persons conducting the search, the student(s) searched, the basis for search, and whether and what illegal or unauthorized items were discovered.

**(3)Types of searches**

A. Searches of students: If an administrator or designee has a reasonable suspicion that there is evidence of wrongdoing on a student's person or clothing, the administrator may search the student. An administrator shall not "pat down" a student or conduct a "strip search." Student searches may consist of the following:

1. The administrator or designee may direct the student to remove outer layers of clothing, such as coats or jackets, and give those items of clothing to the administrator or place them on a table so the administrator can search the item. The student should remain fully clothed after removal of these items of clothing.
2. The administrator or designee may direct the student to remove hats, shoes, and socks and either turn those out or give those items to the administrator so the administrator can search them.
3. The administrator or designee can direct the student to turn out their pockets, sweatshirt hoods, or other similar areas where evidence may exist but which do not require the student to reveal skin or private parts of the body.

If the student refuses to follow the directions of the administrator during the search, the student should be directed to remain in the office while the student's parents and/or law enforcement are notified.

B. Searches of a student's personal property: Backpacks, purses, and similar items can be searched only if there is a reasonable suspicion of wrongdoing, and a reasonable suspicion that there has been a violation of law, district policy, or school rules evidence of the wrongdoing will be found in the student's personal property. Whenever possible, the student will be escorted to the main office, along with the personal property to be searched, and the



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search will be conducted in the presence of the student and a staff member in addition to the administrator conducting the search.

C. Student technology: Student cell phones, smart phones, personally owned tablets and computers, and other similar devices are considered personal property. These items can be searched only if there is a reasonable suspicion that there has been a violation of law, district policy, or school rules and a reasonable suspicion that evidence of the wrongdoing is contained on the device. Administrators may search only those areas of the device where there is a suspicion that evidence exists. For instance, if an administrator has a reasonable suspicion that a student has text messages on a phone that would be evidence of wrongdoing, the administrator can search only the text message application on the phone. The administrator may not also search the student's pictures, other applications, or social media sites without reasonable suspicion.

D. Student vehicles on school property: Students are permitted to park on school premises as a matter of privilege, not of right. The school may conduct routine patrols of student parking lots and inspections of the exteriors of student vehicles on school property. A building administrator can conduct a visual inspection from the outside of the vehicle and should immediately notify the parents and/or law enforcement if illegal or prohibited items are in view.

E. Inspection of school property- Lockers, computers, student storage and use areas:

1. All lockers, desks, and other school storage areas are the property of the school and may be used only for the storage of permitted student belongings. Lockers and storage areas are subject to inspection by school officials at any time and without reasonable suspicion. Students do not have an expectation of privacy in these storage areas. If a backpack, purse, or other personal item is stored in a locker, the student retains the right of privacy in that item; however, if there is reasonable suspicion for a search of such an item as described in this AD, a school official may conduct such a search. The fact that a school may permit students to use



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a lock on their school locker to protect their property does not create an expectation of privacy in the contents of the locker.

2. School computers, software, and internet access are school property. Students are authorized only to use school technology equipment consistent with the educational goals of the school and the Computer Use Policy and Administrative Directive (<https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/8.60.040-P.pdf>. and <https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/8.60.041-AD.pdf>). A school official may search any educational technology equipment software owned by the District and internet records at any time for any reason and without student or parent consent or notification.

#### (4) Handling of Prohibited Items

##### A. Seizure of prohibited materials

1. If a properly conducted search yields prohibited materials or other evidence of wrongdoing, such materials shall be turned over to the proper legal authorities or building administrator, if applicable, for appropriate disposition. Anything found in the course of a search which is evidence of a violation of law or school rules may be evidence in any disciplinary proceeding.

2. Materials confiscated by a school official that are not deemed illegal or contraband (e.g., pocket knives, lighters) will be held for parent pick-up as designated by the school. Building administrators will notify a parent/guardian that confiscated items will be disposed of within 14 days or after any discipline hearing, if the parent/guardian or student has not retrieved the item(s).

B. Handling of Prohibited Items. Prohibited items held after a search shall be held by the school if needed as evidence, but otherwise shall be released to the



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student's parent/guardian, except that stolen property shall be returned to its owner or police, and contraband will be destroyed or held for law enforcement.

If the prohibited item is evidence of a crime (e.g., weapons possession or distribution of illegal drugs), it shall be turned over to law enforcement. Law enforcement will be contacted via the non-emergency phone number to collect the evidence.

(1) Documentation of prohibited items:

- (a) The seizure of the prohibited items should be documented using the Prohibited Item Google Log form.
- (b) A photograph shall be taken and stored with the form.
- (c) Information about the incident and the prohibited item shall be included in the student's Synergy record.
- (d) The prohibited item shall be stored in a secure locker accessible only by administrators.

(2) Disposal of Prohibited Items or Stolen Property:

- (a) Building administrators shall give to law enforcement the following items: guns, explosives, illegal narcotics (e.g., fentanyl, heroin, ecstasy, methamphetamines) and all drugs that appear to be for distribution rather than personal use.
- (b) Items that are not turned over to law enforcement shall be handled in the following ways:
  - 1) Stolen property shall be returned to the owner. If the owner cannot be identified and is not claimed within 60 days, it will be considered abandoned and may be donated to a local charity. Building administrators must retain a receipt for the item .
  - 2) Weapons such as knives, stun guns, and other personal defense items shall be returned to the student's parent/guardian.
  - 3) Marijuana, tobacco, and alcohol shall be destroyed by flushing the substances down the drain.
  - 4) Pharmacological items shall be placed in the secure locker



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until the District's Program Manager for HazMat Safety picks it up to destroy it safely.

- 5) Paraphernalia associated with substance use shall be returned to the student's parent/guardian.

(c) The disposal of all prohibited items should be completed by two District employees and entered into the Prohibited Item Google Log Form.

(d) Items that are not retrieved by parents/guardians (and not otherwise given to law enforcement or charity as described above) shall be destroyed and disposed of through recycling or garbage.

(e) Administrators should consult with the Risk Department for the disposal of hazardous materials.

**(5) Involvement of Law Enforcement** Some actions may be violations of law requiring the school to bring in law enforcement.

- 1) Schools need to make sure that a parent/guardian is notified if law enforcement appears at the school to make an arrest. Additionally, a parent/guardian must be notified and give consent prior to interviews of students by law enforcement.
  - a. There are two exceptions to parental/guardian consent being needed for an interview of a student by law enforcement: 1) where the investigation is focused on possible child abuse of a student and 2) for imminent threats to safety or security. Imminent threats to safety or security are rare, and threats should be neutralized through other means when possible (e.g., by removing the student to a safe place or confiscation of a backpack).
- 2) "Interview" means the questioning of a student by a law enforcement official on school property when the student is a suspect in the commission of a crime. This is also known as a custodial interview.
  - a. Any interview of a student who is a suspect in the commission of a crime on school property will be presumed to be custodial and require prior parental/guardian notification and consent.



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- b. Law enforcement conducting a custodial interview as defined in this paragraph will audio record the interview. This recording will be handled according to Portland Police Bureau Directives.
- 3) Law enforcement officers having probable cause or a warrant to arrest a student shall make that information known to an administrator. In these instances, the administrator shall not interfere with the arrest of the student but shall notify the parent/guardian if an arrest is made.

**(7) Data Collection** The District will track and analyze student searches. This analysis will be presented to the Superintendent and the Board on an annual basis to, among other things, monitor frequency and nature of searches and to eliminate disparities in District searches of students or their property based on race or other protected status. Information gathered will include student demographic information, including race and gender, and what was recovered in the search.

Students' Rights Regarding Searches of Person and Property Policy:

<https://www.pps.net/cms/lib/OR01913224/Centricity/Domain/4814/4.30.040-P.pdf>

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