

BETHEL SCHOOL DISTRICT #52
BOARD OF EDUCATION POLICY STATEMENT

Subject: Search and Seizure

Policy Number: JFG Effective Date: 1/16

Date of Original Policy and Revisions: 11/87, 9/95, 5/00, 12/07, 3/10, 4/15

Cancels Policy: N/A Dated: N/A

Date of Next Review: 1/19

POLICY

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

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

1. The district official shall have individualized, "reasonable suspicion" based upon specific and articulated facts to believe that the student personally poses or is in possession of some item that poses an immediate risk or serious harm to 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 unique features of the official's responsibilities, and the area(s) which could contain the item(s) sought and not excessively intrusive in light of the age, sex, maturity of the student and nature of the infraction.

Routine inspections of district 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.

District officials may seize any item which is evidence of a violation of law, Board policy, administrative regulation or school rule, 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 district property or when the student is under the jurisdiction of the district. Law enforcement searches ordinarily shall be based upon a warrant. District officials will attempt to notify the student's parent(s) in advance and will be present for all such searches, whenever possible.

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The superintendent or designee 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 notice of the Board's policy and accompanying regulation shall be included.

REPORTS

None.

ATTACHMENTS

None.

END OF POLICY

REFERENCES / COMMENTS

[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).