



BOARD POLICY

4.30.040-P

Search and Seizure

~~11/26/2019~~ ~~2/19/20~~ ~~4/21/20~~ ~~5/6/20~~
~~86~~ ~~120~~ Draft

1. Purpose

The Board of Education is committed to maintaining a safe school environment while respecting the privacy rights of ~~s-tudents~~ 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 ~~t-o~~ to achieve these objectives consistent with the law.

The Board recognizes ~~t-hat~~ 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 ~~a-n-d~~ and the health and safety of students and staff, school officials are empowered to conduct ~~s-e-a-r-c-h-e-s~~ searches of students and student property when the school official has a reasonable suspicion ~~t-hat~~ that there has been a violation of a law, District policy, ~~o-r~~ 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. Racial Equity & Social Justice Framework

In alignment with the ~~PPS~~ PPS Racial Education Equity Policy ~~—~~ Racial Education Equity Policy and resulting PPS RESJ Framework and Plan, PPS acknowledges the practices that ~~l-e-a-d~~ lead to overrepresentation of students of color in discipline. ~~-~~ We understand understand systemic and cultural racism in both the ~~educat-i-o-n~~ education and criminal justice system ~~-and~~ resulting presence of bias in the interpretation ~~i-n~~ of reasonable suspicion. ~~-~~ In alignment with PPS ~~v-i-s-i-o-n~~ vision and values, the ~~d-i-s-t-r-i-c-t~~ District will adopt practices that confront and eliminate bias in the interpretation of reasonable suspicion.

3. Searches

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 ~~d-i-g-n-i-t-y~~ dignity whenever possible and encourage student cooperation in any search.

The School District ~~p-r-o-v-i-d-e-s~~ provides students with storage areas, such as lockers, desks, ~~o-r~~ and similar areas and also provides students certain technology, ~~s-o-f-t-w-a-r-e~~ 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 ~~P-r-o-p-e-r-t-y~~ Property or other non-student property as needed and without reasonable ~~s-u-s-p-i-c-i-o-n~~ 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 ~~t-h-e~~ the Student Handbook [insert link]. Students

and parents/guardians will also be notified of complaint ~~p-rocedures~~procedures available to them.

4. Parent/Guardian Notice

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Parents/guardians shall also be notified and must provide consent ~~-before~~ any law enforcement conducts an interview ~~e-f~~of a student who is the subject of an investigation taking place ~~who is the subject of an investigation taking place~~ on District ~~p-remises~~premises. Parents/guardians of potential witnesses or victims shall also be notified before law enforcement officers conduct an interview on District premises, ~~a-lthough~~although administrators may make exceptions in instances where this notice may deter a student who is the victim of a crime ~~f-rom~~from reporting. ~~Interviews shall take place with parental/guardian consent except i n specific scenarios outlined in the administrative directive. , and no interview shall take place without parental/guardian consent. This requirement to~~ The District does not need to notify ~~pP~~Pursuant to Oregon law, parents/guardians may not be notified ~~does not apply~~ when the child is ~~taken into protective custody~~interviewed ~~interviewed~~ as a suspected victim of child abuse. In situations where there is an imminent threat to safety or security, there may ~~n-ot~~not be an opportunity to notify parents ~~p-rior~~prior to law enforcement intervention. By law, school administrators may not interfere with the ~~lawful~~ arrest of students.

~~3.~~ 5. Tracking system

The District will develop a tracking system ~~a-nd~~and report its findings to the Board on an annual basis. In order to ~~comply~~comply with PPS Racial Educational Equity ~~P-olicy~~Policy to eliminate racial disproportionality in discipline, the tracking system should ~~capture~~ include demographic information -on the number of searches conducted by each school, the object of the search, and other indicators which will help to identify, ~~a-nalyze~~analyze, and monitor disparities.

~~4.~~ 6. Process

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

~~5.~~ 7. Definitions

- a. **Reasonable suspicion** is a standard of proof that is based on specific facts ~~which~~ that can be ~~articulated~~described, ~~a-nd~~ ~~—~~ ~~articulable facts~~described, as well as the ~~, along with~~ rational conclusions that can be drawn from those facts. Examples of reasonable suspicion may include, but are not limited to, eyewitness observations ~~of~~ by school personnel; information from a source deemed reliable; ~~suspicious b-ehavior~~; ~~;~~ 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~~ they do ~~does~~ not feel free ~~t-o~~to leave ~~the~~ a 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~~ is not an interview.

- c. **Parent/Guardian** is the person who has been identified in school ~~s~~-records as having a custodial relationship with the student.
- d. **Imminent ~~!T-hreat~~threat** is an immediate threat of serious bodily injury to self or others or death.

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- e. **Subject of an Investigation** is a person whose conduct gives rise to a suspicion that the person may have engaged in illegal activity.

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~~-~~6~~/20

