

Bandon School District 54

Code: JFG

Adopted: 7/8/91

INTERROGATIONS AND SEARCHES**

Searches

The Board seeks to assure a climate in the schools which is appropriate for institutions of learning and which assures the safety and welfare of personnel and students. To assist the Board in attaining these goals, school officials may search the person and the personal property, including the facility or property provided by the school. School officials may seize any property deemed injurious or detrimental to the safety and welfare of students and personnel if school officials have reason to believe an illegal act or a violation of school rules and regulations is being committed or is about to be committed.

The superintendent will develop procedures for implementing this policy in a manner which assures individual rights are balanced with the larger needs of the school, following these basic procedures:

1. A search of a student's person may be conducted when there is reasonable suspicion to believe the particular student is concealing evidence of an illegal act or school violation;
2. Illegal items (firearms, weapons, narcotics, etc.) or other possessions determined to be a threat to the safety or security of others may be seized by school officials;
3. Items which may be used to disrupt or interfere with the educational process may be temporarily removed from the student's possession;
4. General search of school properties including, but not limited to, lockers or desks may occur at any time. Items belonging to the school, which are unlawful, or are in violation of school policy may be seized. Students will be notified that searches of school property have occurred and will be notified of any items seized;
5. At the time school equipment is assigned to students for their use, students will be informed of conditions for the use of such equipment and of the intent of school personnel to conduct routine searches.

Interrogations

When law enforcement officials find it necessary to question students during the school day or during periods of extracurricular activities, the school principal or designee will be present when possible. An effort will be made to contact the parent so that the responsible adult may be notified of the situation. However, in suspected child abuse cases, Children's Services Division and law enforcement officials may exclude school personnel from investigation procedures and may prohibit school personnel from contacting the parents.

(continued)

If custody or arrest is involved, the principal will request that all procedural safeguards prescribed by law be observed by law enforcement officials.

END OF POLICY

Legal References:

ORS 332.075

ORS 332.107

OAR 581-21-050 to -075

New Jersey v. T.L.O., 105 S. Ct. 733 (1985).

Letter Opinion, Office of the Attorney General (May 25, 1984)

Letter Opinion, Office of the Attorney General (August 18, 1986)

** As used in this policy, the term parent includes legal guardian or person in a parental relationship. The status and duties of a legal guardian are defined in ORS 126.003 - 126.095. The determination of whether an individual is acting in a parental relationship, for purposes of determining residency, depends on the evaluation of the factors listed in policy GBHA. The determination for other purposes depends on evaluation of those factors and a power of attorney executed pursuant to ORS 126.030.