# MITCH Charter School

Code: JFG-AR
Revised/Reviewed: 7/20/23

## Student Searches**

1. Definitions

   a. "Reasonable suspicion" is based upon specific and articulated facts to believe that the student personally poses or is in possession of some item that poses a risk of immediate and serious harm to the student, school officials and/or others at the school. The official's knowledge may be based upon relevant past experience of the official, observation by the official and/or credible information from another person.

      (1) "Past experience" may provide the school official with information relevant to the violation as well as information which enables the official to evaluate the credibility of information from another person.
      (2) "Credible information from another person" may include information which the school official reasonably believes to be true provided by another school employee, a student, a law enforcement or other government official or some other person.

   b. "Reasonable in scope" means that the manner and extent of the search are reasonably related to the objectives of the search, the unique features of the official's responsibilities, and limited to the particular student or students most likely to be involved in the infraction and the area(s) which could contain the item(s) sought, and not excessively intrusive in light of the student's age, sex, maturity and the nature of the infraction.

2. Routine Inspection of Public Charter School Property Assigned to Students

   a. Lockers, desks and other storage areas provided by the school and assigned to a particular student(s) are the property of the public charter school, remain in the possession of the public charter school and are under the control of the executive director. Students have no expectation of privacy regarding these items/areas.
   b. Students may use public charter school-owned storage areas for the limited purpose of temporarily keeping items needed for attendance and participation in school instructional and activity programs only. No other purpose is permitted.
   c. Students shall be provided notification that public charter school-owned storage areas assigned to students are subject to routine inspection without prior notice for the following reasons:

      (1) Ensure that no item which is prohibited on public charter school premises is present;
      (2) Ensure maintenance of proper sanitation;
      (3) Ensure mechanical condition and safety;
      (4) Reclaim overdue library books, texts or other instructional materials, property or equipment belonging to the public charter school.

3. Voluntary Consent

When a school official has the requisite justification to search either a particular public charter school-owned storage area assigned to a student or the clothing or the personal property of a student, the official has the option of making a search or asking the student to voluntarily provide the item(s) sought. Before making a search, the official should ordinarily ask for the student's voluntary consent by requesting the student to empty the contents of the storage area, clothing or personal property. If the student refuses consent for their personal property, the official may elect to contact the student's parents to obtain consent for the search of personal property.

4. Search Procedures

a. With the requisite justification, a school official may search an individual student, a public charter school-owned storage area assigned to a student or the personal property of a student. Personal property of a student includes, but is not limited to, wallets, purses, lunch boxes/sacks, book bag, backpack or other containers used to carry belongings.
b. All searches of a student or a student's personal property shall be based on the required reasonable suspicion/risk of immediate and serious harm and shall be reasonable in scope. A "strip search," requiring a student to remove clothing down to the student's underwear or including underwear is prohibited by the public charter school.
c. Searches will generally be conducted by an executive director or by other school personnel only as authorized by the executive director. In certain circumstances an executive director may be assisted by a law enforcement official(s).
d. The student will generally be permitted to be present during a search of a public charter school-owned storage area assigned to the student or during a search of the student's personal property. The student's presence is not required, however.
e. Search of a student's clothing will be limited to the student's "outer clothing" only. "Outer clothing" means the student's coat, jacket or other such outerwear garments worn by a student. A search of the clothing may include the search of a container inside the clothing, provided that the container is of a size and shape to hold the object of the search.
f. Searches of a student's outer clothing will be conducted by a school official of the same gender as the student.
g. Where the object of the search may be felt by a "pat down" of clothing or personal property, the school official may first pat the clothing or property in an attempt to locate the object before searching inside the clothing or property.
h. Searches will be conducted in privacy, out of the view of other students, staff and others and in the presence of an adult witness of the same gender as the student.
i. Any item removed from the student as a result of the above procedures which is not evidence of a violation of a law, Board policy, administrative regulation or school rule may be returned to the student, as appropriate.

5. Other Searches[1]

a. Metal detectors, including walk-through and hand-held devices, may be used when the Board determines that there is a need for such detectors based upon reasonable information of a history of:

[1] Consult with legal counsel prior to implementing procedures in this section, modifying as appropriate to meet local needs.

(1) Weapons or dangerous objects found at school, on public charter school property, at a school function or in the vicinity of the school; or
(2) Incidents of violence involving weapons at a school, on public charter school property, at a school function or in the vicinity of the school.

Upon positive detection, a student will be asked to voluntarily remove the metal item. If the student refuses consent, the student will be held (will not be allowed further entrance into the building) and any personal property will be seized and secured while the parent(s) and law enforcement officials are summoned.

b. Drug-detection dogs may be used when the Board determines that there is a need for use of such dogs based upon reasonable information of a history of:

(1) Drugs and/or drug paraphernalia use/possession at school, on public charter school property, at a school function or in the vicinity of the school; or
(2) Incidents of violence or health emergencies involving drugs and/or drug paraphernalia at a school, on public charter school property, at a school function or in the vicinity of the school.

After such need has been determined, drug-detection dogs may be used to sniff out contraband in public charter school-owned storage areas.

Drug-detection dogs will not be used for general or "dragnet" searches.

c. Body fluid searches of students for the presence of alcohol or drugs are prohibited by the public charter school.
d. The public charter school may deploy breathalyzer devices at extracurricular events and activities. Students may be subject to testing procedures as a prerequisite to attending the event/activity. If a student refuses testing, the student will be detained and parents will be contacted to come and take the student home.

6. Discipline

a. Possession or use of unauthorized, illegal, unhealthy or unsafe materials will result in the following:

(1) Seizure of the material:

(a) Property, the possession of which is a violation of law, Board policy, administrative regulation or school rule will be returned to the parent or, if also a violation of law, turned over to law enforcement officials or destroyed by the public charter school as deemed appropriate by the executive director;
(b) Stolen property will be returned to its rightful owner;
(c) Unclaimed property may be disposed of in accordance with Board policy DN - Disposal of Public Charter School Property.

(2) Discipline up to and including expulsion and notification given to law enforcement officials as appropriate or as otherwise required by law or Board policy.

7. Documentation

   a. Administrators shall document all searches.
   b. Documentation shall consist of the following:

      (1) Name, age and sex of student;
      (2) Date, time and location of search;
      (3) Justification for search and nature of the reasonable suspicion/risk of immediate and serious harm;
      (4) Description of the object(s) of the search;
      (5) Type/Scope of search (areas/items searched);
      (6) Results of search, prohibited material(s) found, disposition of the material(s) seized and discipline imposed;
      (7) Name of the witness to the search;
      (8) Name of the school official conducting the search;
      (9) Contacts with law enforcement and name/position of the contact(s).

   c. Documentation will be maintained as a part of the student's education records and retained in accordance with applicable Oregon Administrative Rules governing records' retention.

8. Notice

   Notice of the Board's policy and this administrative regulation will be provided to staff, students and their parent(s) annually, through staff and family handbooks.

9. Cooperation with Law Enforcement Officials

   a. Administrators will meet with law enforcement officials annually to review:

      (1) Official contact protocols;
      (2) Applicable Board policies and administrative regulations;
      (3) Circumstances in which the public charter school will generally be requesting local law enforcement involvement in student searches and suspected crimes;
      (4) Handling searches and evidence when involving law enforcement officials.

## STUDENT SEARCH FORM

1. Name, age and sex of student: _____

_____

2. Date, time and location of search: _____

_____

3. Basis for search and nature of reasonable suspicion. What factors caused you to have a reasonable suspicion that the search of this student, their person or property or property assigned by the school for student use, would turn up evidence of some item that posed a risk of immediate and serious harm to the student, school officials and/or others at the school? Describe.

_____

_____

_____

4. Describe areas and items searched: _____

_____

_____

5. What did the search yield? Were any prohibited items/materials seized? Were seized items/materials turned over to police? Parents? Other? Why or why not? Explain and include name(s)/position(s) of law enforcement contacts.

_____

_____

6. Was discipline imposed? Why or why not? _____

_____

7. Name and title/position of the witness to the search: _____

_____

8. Name and title/position of school official conducting the search: _____

_____

_____ _____

Signature of Witness Date Signature of School Official Conducting Search Date