

**BEND-LA PINE SCHOOLS**

Administrative School District No. 1

Deschutes County, Oregon

**ADMINISTRATIVE REGULATION**

Name: Student Searches and Questioning

Section: Students

Code: JFG-AR

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The district seeks to ensure a learning environment, which protects the health and safety of students and staff. To assist in attaining these goals, district officials may search a student's person and property, including property assigned by the district for the student's use. District officials may seize an item which is evidence of a violation of law, district policy or rules, or which the possession or use of is prohibited by law, policy or rules.

1. A search may be conducted when there is reasonable suspicion to believe that evidence of a prohibited item is present in a particular place and/or a particular student has possession of a prohibited item at school. District officials may seize prohibited items and evidence.
2. A search of district property assigned to students, including but not limited to lockers or desks, may occur from time to time if district officials have reason to believe that the property contains items which may be hazardous to the safety or health of students or contains items which may belong to someone else.
  - At the time the district property is assigned to students for their uses, the district shall inform students of conditions for the use of such property and of the intent of the district to conduct random searches from time to time.
  - When possible or practical, the student should be present when a search of personal possessions is conducted.
  - Students may be notified that a search of assigned district property has occurred and will be notified of any evidence or prohibited item seized, as appropriate.
  - Strip searches are prohibited.
  - However, students may be required to remove outerwear and empty pockets or other areas where prohibited items may be hidden.
  - Pat-down searches may be conducted when reasonable under the circumstances.
3. Vehicular Search
  - Student vehicles may be parked on district property on the condition that the student and his/her parent(s) allow the vehicle and its contents, upon reasonable suspicion, to be examined.
  - Student vehicles on another school district's property at activities under the jurisdiction of the district, including interscholastic activities sponsored by the Oregon School Activities Association (OSAA) or other such voluntary organizations approved by the State Board of Education, shall also be subject to such condition.
  - If a student or parent(s) refuses to allow access to a vehicle when requested under the circumstances described above, the student's privilege of bringing a vehicle onto district property will be terminated for the remainder of the school year.
  - A refusal will subject the student to discipline up to and including expulsion and law enforcement officials may be notified.

4. Use of drug dogs may be utilized for generalized, exploratory searches on an unannounced basis.
  - The purpose of the use of a police drug dog on Bend-La Pine School sites is to help provide a safe environment for all students.
  - The use of such dogs is to help deter people from bringing drugs and other prohibited items on to Bend-La Pine School sites.
  - Police drug dogs may search lockers.
    - In the generalized, exploratory searches, students will not be present when lockers are searched and will be denied access until the search is concluded.
    - Any locker that is identified by the dog will be searched by the administrative staff with/without the student present at the time of the search.
    - If drugs are found in the locker or on the personal affects of the student in the locker, the student will be suspended per district policy and the police notified.
  
5. The drug dog may be utilized to search the parking lot and cars parked on any campus of Bend-La Pine Schools.
  - Cars will be subject to search at any time.
  - If the dog hits on a car, the following procedures will be utilized:
    - The student who owns the car will be summoned and ask to open his/her car.
    - The car will be searched.
    - If drugs are present, the student will be cited and district disciplinary procedures will be enforced.
    - If no drugs are present but the dog detects odors, parents will be informed. No disciplinary action will occur to the student.
    - Bend-La Pine Schools will not be responsible for damages to an auto as a result of a search done by the drug dog.
  
6. Procedural Safeguards
  - Students, parents, and staff will be informed of this procedure prior to the implementation of the policy.
  - A student will not be subject to a random individual search by the dog. Whenever a search of a student's locker or car results from the use of a police dog, the affected student's parents will be notified by letter and/or telephone.
  - Additional Use of Drug Dogs
    - Where reasonable suspicion exists that a student or students posses drugs, in addition to the exploratory search by a drug dog, the school may utilize a drug dog to conduct individual searches.
  
7. Breathalyzers may be used on students in the following situation:
  - A Breathalyzer may be utilized when there is reasonable suspicion that a student has been using alcohol at school, off of school grounds then coming /returning to school, or at student activities that do not have required attendance.
  - A school official that has been trained in the use of the Breathalyzer must perform the test and the Breathalyzer must be properly calibrated.
  - When there is reasonable suspicion that a student has consumed alcohol and a Breathalyzer is available, school officials will:
    - Isolate the student as quickly as possible.

- Conference with the student in private.
- Observe the student for signs of alcohol consumption or intoxication.
- Ask the student if he/she has been drinking.
  - If the student says “no”, he/she will be offered the opportunity to confirm his or her innocence by use of the Breathalyzer.
  - If the student agrees to use the Breathalyzer and alcohol is not detected, no further action is taken.
  - If the Breathalyzer is used and alcohol is detected, disciplinary action proceeds as per district policy.
  - If the student declines to use the Breathalyzer, the decision is made to proceed with disciplinary action, as per district policy, will be made as if no Breathalyzer were available.
  - If the student says “yes”, disciplinary action as per district policy proceeds.

#### 8. Attendance at Activities

- In the case where students are attending student activities that are considered a privilege such as school dances; the school may test students for alcohol prior to allowing their admission.
- Students will be notified that every student wishing to attend the activity will be given a Breathalyzer test. The school will make a reasonable attempt to test all students attending. Those who test positive will be evaluated further, may not be granted admission and may suffer additional consequences.

#### 9. Student Interviews by Law Enforcement

On occasion, students may have information concerning developing situations which may compromise the health, safety or welfare of students or school employees, or which involve dangerous or criminal conduct. In such situations, law enforcement officials may interview students on district property at their own request, or at the request of a school administrator. The provisions of this section do not apply when the interview request is based on allegations of child abuse, or when an arrest or search warrant has been issued. In such situations, the provisions of Sections 10 and 11 below apply.

Situations arising under this section are often fluid and dynamic, and require flexibility and the exercise of discretion by the responding school administrator. The school administrator shall attempt to facilitate interviews under this section so that each student is afforded as much audio and visual privacy as possible under the circumstances. The student’s parents will be notified of the interview as soon as reasonable under the circumstances.

#### 10. Release of Student to Law Enforcement

In all cases, other than child abuse cases, where a student is to be taken from the building by a law enforcement official, the administrator will verify the official’s identity and make a reasonable effort to notify the student’s parent(s). Law enforcement officials have the primary responsibility for notifying the parent(s) in such instances.

#### 11. Investigation of Child Abuse on District Property

- Law Enforcement Documentation and Procedure
  - Any investigation of child abuse will be directed by the Oregon Department of Human Services, Community Human Services, or law enforcement officials as required by law. A

school administrator must be notified that a child abuse investigation is going to take place. The administrator or designee will request adequate identification(i.e.; agency-issued photo identification and employee identification number) from the investigating official. After the department or law enforcement agency conducting the investigation presents adequate identification, the administrator or designee shall provide access to the to the child requested to be interview for the investigation and a private space to conduct the interview of the child.. The administrator or designee shall inform the investigator of the child's disabling condition prior to the interview. The administrator or designee may be present at the interview of the student at the discretion of the investigating official. When the subject matter of the interview or investigation involves child abuse, administrators and school employees shall not notify, any person, including the parent or guardian, excepting DHS or law enforcement. The administrator or designee must complete the DHS/Law Enforcement Protocol form with each investigation request and maintain a record of the request in a separate secure file that is seperate of the student's school records.

## 12. Protocol

When the Oregon Department of Human Services or law enforcement officials request to interview a student under the circumstances described in Section 11 above, and the child is not a suspect in the commission of a crime, school administrators are directed to use the "Bend-La Pine Schools DHS/Law Enforcement Protocol" to evaluate the district's obligations to comply with the request. School administrators shall obtain the signature of the caseworker or law enforcement official acknowledging that the school administrator has followed the protocol when determining whether or not to make the student available for an interview. If the DHS casework or law enforcement official refuses to sign the form, the refusal must be noted on the Protocol form.

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