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July 12, 2010
June 13, 2016 [Mandatory / Routine Review / MSBA Model Policy Modified]
Contact Person: Assistant Superintendent

**POLICY 502 SEARCH OF STUDENT LOCKERS, DESKS, PERSONAL POSSESSIONS,
AND STUDENT'S PERSON**

I. PURPOSE

To provide for a safe and healthful educational environment by enforcing the District's Policies against contraband.

II. GENERAL STATEMENT OF POLICY

A. Lockers and Personal Possessions Within a Locker

Pursuant to Minnesota statutes, school lockers are the property of the District. At no time does the District relinquish its exclusive control of lockers provided for the convenience of students. School authorities for any reason may conduct inspection of the interior of lockers at any time, without notice, without student consent, and without a search warrant. The personal possessions of students within a school locker may be searched only when school authorities have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules. As soon as practicable after the search of a student's personal possessions, the school authorities must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school officials.

B. Desks

School desks are the property of the District. At no time does the District relinquish its exclusive control of desks provided for the convenience of students. School authorities for any reason may conduct inspection of the interior of desks at any time, without notice, without student consent, and without a search warrant.

C. Personal Possessions and Student's Person

The personal possessions of students and/or a student's person may be searched when school authorities have a reasonable suspicion that a search will uncover a violation of law or school rules. The search will be reasonable in its scope and intrusiveness.

D. Schools may use specially trained dogs to detect and alert officials to the presence of prohibited items and illicit substances in lockers, common areas and/or school parking areas. If a dog alerts to an item in a locker, desk, personal possession, or vehicle it may be searched by school officials.

- E. It shall be a violation of this Policy for students to use lockers and desks for unauthorized purposes or to store contraband. It shall be a violation for students to carry contraband on their person or in their personal possessions.

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REGULATION 502 SEARCH OF STUDENT LOCKERS, DESKS, PERSONAL POSSESSIONS, AND STUDENT'S PERSON

I. DEFINITIONS

- A. "Contraband" means any unauthorized item possession of which is prohibited by school district policy and/or law. It includes but is not limited to weapons and "look-alikes," alcoholic beverages, controlled substances and "look-alikes," overdue books and other materials belonging to the District, and stolen property.
- B. "Personal Possessions" includes but is not limited to purses, clothing, backpacks, book bags, packages, cell phones, computers and other electronic devices.
- C. "Reasonable suspicion" means that a school official has grounds to believe that the search will result in evidence of a violation of school district policy, rules, and/or law. Reasonable suspicion may be based on a school official's personal observation, a report from a student, parent or staff member, a student's suspicious behavior, a student's age and past history or record of conduct both in and out of the school context, or other reliable sources of information.
- D. "Reasonable scope" means that the scope and/or intrusiveness of the search are reasonably related to the objectives of the search. Factors to consider in determining what is reasonable include the seriousness of the suspected infraction, the reliability of the information, the necessity of acting without delay; the existence of exigent circumstances necessitating an immediate search and further investigation (e.g., to prevent violence, serious and immediate risk of harm or destruction of evidence), and the age of the student.

II. PROCEDURES

- A. School officials may inspect the interiors of lockers and desks for any reason at any time, without notice, without student consent, and without a search warrant.
- B. School officials may inspect the personal possessions of students and/or a student's person based on a reasonable suspicion that the search will uncover a violation of law or school rules. A search of personal possessions of a student and/or a student's person will be reasonable in its scope and intrusiveness.
- C. As soon as practicable after a search of personal possessions within a locker pursuant to this policy, the school authorities must provide notice of the search to students whose possessions were searched unless disclosure would impede an ongoing investigation by police or school officials.

- D. Whenever feasible, a search of a person shall be conducted in private by a school official of the same sex. A second school official of the same sex shall be present as an observer during the search of a person whenever feasible.
- E. A school official conducting any search may determine when it is appropriate to have a second official present as an observer.
- F. A summary of this Policy will be printed in the student handbook or disseminated in any other way which school officials deem appropriate. The District shall provide a copy of this Policy to a student when student is given use of a locker.

III. CANINE DETECTION

A. Initialing a Canine Detection

The Administration, either as a planned, generalized canine detection or upon reasonable suspicion that contraband is present may conduct a canine detection.

On an annual basis, parents, guardians, students and staff will be informed in advance via letter that planned, generalized canine detections may be conducted without prior notice to parents, guardians or students.

The Administration is responsible for contacting the police liaison officer/ local law enforcement personnel, for assistance in conducting such a detection procedure.

B. Areas Subject to a Canine Detection

- Student lockers and desks;
- Student physical education lockers;
- Parking lots including the exterior of vehicles parked in school lots;
- School buses;
- Hallways/ common areas of school;
- Classrooms when students are not present;
- Restrooms;
- Cafeteria;
- Perimeter of school;
- School grounds, as needed per reasonable suspicion; and/ or
- Other school facilities and grounds areas not mentioned above.

C. Procedures During a Canine Detection

Teacher will be asked to close their doors and process with the class session during any type of canine detection process.

Teachers will be instructed not to permit students outside of the classroom while the canine detection is being conducted in the interior of a given school building.

D. The Search Team

The Administration or designee(s) will conduct the canine detection with the assistance of a trained canine handler, which may be a law enforcement officer.

Reasonable efforts will be made to prevent the canine detection animal from having contact with any student or staff during the detection process.

If a canine “alerts” to the presence of contraband there exists reasonable, individualized suspicion for a search to be conducted at a given location, including in the personal possession of students located in the areas of the alert. If contraband is found, the matter may be reported to a law enforcement officer as evidence to a crime. The law enforcement officer is responsible for taking appropriate police action as determined necessary by the officer.

As soon as possible after the search of a student’s personal possession, a Administration will provide notice of the search to the student whose personal possessions were searched unless disclosure would impede an ongoing investigation by police or Administration.

Administration will conduct a search of a student’s personal property in a discreet manner that protects the privacy of the student subject to the search.

Should the canine ‘alert’ to a vehicle of a student in school district locations, the student would be contacted. The interior of the vehicle including glove or trunk compartments may be searched. The search will be reasonable in its scope and intrusiveness. Such searches may be conducted without notice, without consent and without a search warrant. A student will be subject to withholding of parking privileges and to discipline if the student refuses to open a locked motor vehicle under the student’s control or its compartments upon the request of a school official.

E. Responsibility of the Administrator if Contraband is found

The parent(s) or guardian(s) of the student in possession of the contraband will be informed of the findings of the canine detection and any subsequent search of personal property.

The Administrator will implement District Policies, regulations and procedures relative to disciplinary action.

F. Upon completion of the search the Administrator will report the findings to the Assistant Superintendent.

IV. DIRECTIVES AND GUIDELINES

School administration may establish reasonable directives and guidelines which address specific needs of the District, such as use of tape in lockers, standards of cleanliness and care, posting of pin-ups and posters which may constitute sexual harassment, etc.

V. SEIZURE OF CONTRABAND

If a search yields contraband, school officials will seize the item and, where appropriate, turn it over to legal authorities for ultimate disposition.

VI. VIOLATIONS

A student found to have violated this Policy and/or the directives and guidelines implementing it shall be subject to discipline in accordance with the District's Student Discipline Policy, which may include suspension, exclusion, or expulsion, and the student may, when appropriate, be referred to legal authorities.