

MINNETONKA PUBLIC SCHOOLS

Policy 512: Search of Student Lockers, Desks, Personal Possessions, Student Vehicles, and Student's Person

I. PURPOSE

The purpose of this policy is to provide for a safe and healthful educational environment by enforcing the School District's policies against contraband.

II. GENERAL STATEMENT OF POLICY

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, in their personal possessions or in their vehicles on District property.

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. Inspection of the interior of lockers may be conducted by school officials for any reason 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 officials have a reasonable suspicion that the search will uncover evidence of a violation of law, District policy or school rules. As soon as practicable after the search of a student's personal possessions, the school officials must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by law enforcement or school officials.

B. Desks and Personal Possessions within a Desk

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. Inspection of the interior of desks may be conducted by school officials for any reason at any time, without notice, without student consent, and without a search warrant. The personal possessions of students within a school desk may be searched only when school officials have a reasonable suspicion that the search will uncover evidence of a violation of law, District policy or school rules. As soon as practicable after the search of a student's personal possessions, the school officials must provide notice of the search to students whose desks were searched unless disclosure would impede an ongoing investigation by law enforcement or school officials.

C. Personal Possessions and Student's Person

The personal possessions of students and/or the individual student may be searched when school officials have a reasonable suspicion that the search will uncover a violation of

law, District Policy, or school rules as outlined in the Student Handbook. The search will be reasonable in its scope and intrusiveness.

D. Student Vehicles

A student's personal vehicle on school property may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law, District Policy, or school rules as outlined in the Student Handbook. The search will be reasonable in its scope and intrusiveness.

III. DEFINITIONS

- A. "Contraband" means any unauthorized item in a student's possession of which is prohibited by District policy and/or law or school rules. It includes but is not limited to weapons, replicas and "look-alikes," alcoholic beverages, controlled substances and pornography, overdue books and other materials belonging to the District, and stolen property.
- B. "Personal possessions" includes but is not limited to purses, backpacks, bookbags, packages, cell phones, laptops, and clothing which are in the student's possession at school and/or on school grounds.
- C. "Reasonable suspicion" means that a school official has grounds to believe that the search will result in evidence of a violation of District policy, and/or law, or school rules. 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 is 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.

IV. SPECIFIC POLICY STATEMENTS

- 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 a student and/or an individual student based on a reasonable suspicion that the search will uncover a violation of law, District Policy or school rules. A search of personal possessions of a student and/or an individual student shall be reasonable in its scope and intrusiveness.

Whenever feasible, a search of a student's person or body 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.

- C. As soon as practicable after a search of personal possessions within a locker and/or desk pursuant to this policy, the school officials must provide notice of the search to students whose possessions were searched unless disclosure would impede an ongoing investigation by law enforcement or school officials.
- D. The District reserves the right to request assistance from local law enforcement to determine whether a more invasive search may be necessary, and if appropriate, request that local law enforcement conduct the search as permitted by law.
- E. A school official conducting any search may determine when it is appropriate to have a second official present as an observer.
- F. A copy 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 ~~the~~ students with this information on an annual basis.
- G. The Superintendent or his designee 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. VIOLATIONS

If a search yields contraband, school officials will seize the item and, where appropriate, turn it over to law enforcement for ultimate disposition. A student found to have violated this policy and/or the 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 law enforcement.

Legal References: U. S. Const., amend. IV
Minn. Const., art. I, § 10
New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985)
Minn. Stat. § 121A.72 (School Locker Policy)

Cross References: Policy 547 Student Chemical Use
Policy 501 School Weapons
Policy 506 Student Discipline and Code of conduct
Policy 543 Unsafe Behavior of Students

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