



**502**

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

APPROVED: 2002

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**I. PURPOSE**

The purpose of this policy is to provide for a safe and healthful educational environment by enforcing the school's policies against contraband while respecting the privacy of students.

**II. DEFINITIONS GENERAL STATEMENT OF POLICY**

- A.** "Contraband" means any unauthorized item possession of which is prohibited by school 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 school, and stolen property.
- B.** "Personal possessions" includes but is not limited to purses, backpacks, book bags, packages, clothing, cell phones, computers, and other electronic devices and personal property.
- C.** "Reasonable suspicion" means that the school administrator has grounds to believe that the search will result in evidence of a violation of school policy, rules, and/or law. Reasonable suspicion may be based on a school official's personal observation, a report from a student 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.

**III. GENERAL STATEMENT OF POLICY**

- A.** Lockers and Personal Possessions within a Locker



Pursuant to Minnesota statutes, school lockers are the property of the school. At no time does the school relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school administrator or designated staff for any reason at any time, without notice, without student consent, and without a search warrant.

Notwithstanding, student privacy shall be protected and respected consistent with the safety of students and staff, and the prohibition of contraband. 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 administrator must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school administrator.

**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 the school administrator has a reasonable suspicion that the search will uncover a violation of law or school rules. The search will be reasonable in its scope and intrusiveness. School personnel may search students for items that may be harmful to them or to others and to detect items that are prohibited from being on school grounds or other places under supervision of school personnel, i.e. busses, field trips.

**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 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.**



#### **IV. PROCEDURES**

- A.** School staff 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 staff may inspect the personal possessions of student's 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 administrator 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, It is expected that a search of a person shall be conducted in private by the school administrator or designee of the same gender identity and that a second school staff person of the same gender identity shall be present as an observer. The school administrator conducting any other form of search will have a second staff member present as an observer whenever feasible.
- E.** As soon as possible after a search has taken place, a written report of the circumstances and search results will be documented in the school office file.
- F.** A copy of this policy will be printed in the student handbook or disseminated in any other way which school staff deem appropriate.

#### **V. CANINE DETECTION**

##### **A. Initiating 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 Canine Detection**

- 1.** Student lockers and desks;
- 2.** Student physical education lockers;
- 3.** Parking lots including the exterior of vehicles parked in school lots;
- 4.** School buses;
- 5.** Hallways/common areas of school;
- 6.** Classrooms when students are not present;
- 7.** Restrooms;
- 8.** Cafeteria;
- 9.** Perimeter of school;
- 10.** School grounds, as needed per reasonable suspicion; and/or
- 11.** Other school facilities and grounds areas not mentioned above.

## **C. Procedures During A Canine Detection**

Teachers 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 of 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, 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 Superintendent.**

**VI. DIRECTIVES AND GUIDELINES**

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

**VII. SEIZURE OF CONTRABAND**

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

**VIII. 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 school's Student Discipline Policy, which may include suspension, exclusion, or expulsion, and the student may, when appropriate, be referred to legal authorities.



## **IX. LOCKER RULES**

In order to implement the school's policy concerning student lockers, the School Board adopts the following rules and regulations:

- A. Locks:** The school will retain access to student lockers by keeping a master list of combinations and/or retaining a master key. Students may not use their own locks to prevent access to lockers by school administrators and any unauthorized locks may be removed without notice and destroyed.
- B. Use of Lockers:** Lockers are to be used to store school supplies and personal items necessary for use at school. Lockers shall not be used to store items which cause, or can reasonably be foreseen to cause, an interference with school purposes or an educational function, or which are forbidden by state law or school rules, such as drugs (other than medicine for which a student has a current prescription or common cold or headache medicine sold over the counter), drug paraphernalia, beverage containing alcohol, weapon, any flammable substance, bomb or explosive device, any pungent acid or nauseous chemical, any library book not properly checked out or overdue, or any stolen items. Students will be expected to keep their lockers in a clean and orderly manner.
- C. Authority to Inspect:** The school retains the right to inspect lockers to insure they are being maintained in accordance with the conditions of Rule No. 2. The administrator or a member of the staff designated by the administrator shall conduct all inspections of student lockers.
- D. Inspection of Individual Student's Lockers:**
  - 1.** The inspection of a particular student's locker will not be conducted unless the administrator or his/her designee has a reasonable suspicion to believe that the locker to be inspected contains items which cause, or can reasonably be foreseen to cause, an interference with school purposes or an educational function or which are forbidden by state law.
  - 2.** Before a particular student's locker is inspected, the student (or students, if more than one have been assigned to a locker), if present on the school premises, shall, where possible, be contacted and given the opportunity to be present during the conduct of the inspection unless circumstances require that the



inspection be conducted without delay in order to protect the health and safety of others present on school premises. Whenever an individual student's locker has been inspected under this rule without the student's presence, the administrator or her/his designee shall notify the student of such inspection as soon as practicable thereafter.

#### **E. Inspection of All Lockers:**

- 1.** An inspection of all lockers in the school, or all lockers in a particular area of the school, may be conducted if the administrator, or designee reasonably believes that such an inspection is necessary to prevent, impede or substantially reduce the risk of:
  - a) An interference with school purposes or an educational function;
  - b) A physical injury or illness to any person;
  - c) Damage to personal or school property; or
  - d) A violation of state law or school rules.
- 2.** Examples of circumstances justifying a general inspection of a number of lockers would include but not be limited to:
  - a) When the school receives a bomb threat;
  - b) When evidence of student drug or alcohol use creates a reasonable belief of an unusually high level of student use;
  - c) At mid-term, end of grading period, and before school holidays to check for missing library books, or lab chemicals or school equipment.
  - d) Where student violence or threats of violence creates a reasonable belief that weapons are stored in lockers.
- 3.** If a general inspection of a number of lockers is necessary, then all lockers in the defined inspection area will be examined. Students will not necessarily be given the opportunity to be present while a general inspection is being conducted.

#### **F. Student Material**

1. When conducting an inspection pursuant to these rules, the inspector shall take care to avoid unduly disrupting the contents of the locker or intruding unnecessarily into any student's written material, the inspection will be kept to the minimum level necessary to determine that such material is not being used to conceal contraband.

#### **G. Disposal of Confiscated Contraband**



All contraband confiscated from lockers may be disposed of by the administrator or designee as deemed appropriate, including:

1. Return to the proper owner or place;
2. Use as evidence in a student discipline proceeding if possession of the contraband constitutes a ground for suspension or expulsion;
3. Delivery to the appropriate law enforcement officials for prosecution purposes if possession of the contraband constitutes evidence of a crime; or
4. Destruction.

#### **H. Involvement of Law Enforcement Officials**

The administrator may request the assistance of law enforcement officials to assist the school administrators in inspecting lockers or their contents for purposes of enforcing school policies only if such assistance is required:

1. To identify substances which may be found in the lockers; or
2. To protect the health and safety of persons or property, such as to aid in the discovery and disarming of bombs which may be located in the lockers.

#### **I. Locker Cleaning**

Nothing in these rules shall affect members of the custodial staff who, at the direction of the administrator, clean out:

1. Lockers from time to time in accordance with a general housekeeping schedule; or
2. The locker of a student no longer enrolled in the school. Further, the custodial staff may open a student's locker during any vacation period if they have reason to believe such a locker contains rotting, spoiling, or mildewing items such as food, wet clothes, etc.

#### **LEGAL REFERENCES:**