

## **Students**

### **Search of Student Lockers, Desks, Personal Possessions 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

A. Edina Public Schools does not allow students to use lockers, desks or their vehicle for unauthorized purposes or to store contraband. Further, students will not carry contraband on their person or in their personal possessions while on district property or during district-sponsored or school-sponsored events.

#### B. Lockers and Personal Possessions Within a Locker

School lockers are the property of the school 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.

#### C. Desks

School desks are the property of the school district. At no time does the school 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 their desks 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.

#### D. Personal Possessions and Student's Person

When a school official has a reasonable suspicion that a search will uncover a violation of law, district policy, or school rules; the school official may search a student's personal possessions or the student's person. The search will be reasonable in its scope and intrusiveness.

## E. Canine Searches

Schools may use specially trained dogs to detect and alert officials to the presence of prohibited items and illicit substances in school parking areas. If a dog alerts to a vehicle it may be searched by school officials. 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.

## III. Definitions

- A. "Contraband" means any unauthorized item; possession of which is prohibited by school district policy or law.

Contraband includes, but is not limited to, weapons and "look-alike" weapons, alcoholic beverages, controlled substances and "look-alike" substances, district-owned materials, and stolen property.

- B. "Personal possessions" includes, but is not limited to, purses, backpacks, book bags, electronic devices, packages and clothing.
- C. "Reasonable suspicion" means that a school official has grounds to believe that the search will result in evidence of a violation of law, district policy, or school rules.

Reasonable suspicion may be based on a school official's personal observation; a report from a student, parent or district employee; a student's suspicious behavior; knowledge of the student's prior behaviors; prior experience with the student; an alert from a specially trained dog; or other reliable sources of information. The school official must believe there is a moderate chance of finding wrongdoing by completing the search.

- 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 nature of the suspected infraction; the reliability of the information leading to the search; 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); the prevalence and seriousness of the problem that is the impetus for the search; and the age of the student. The content of the school official's suspicion must match the circumstance that justified the search in the first place.

## IV. 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. When a school official has a reasonable suspicion that a search will uncover a violation of law, district policy, or school rules; the school official may search a student's personal possessions, vehicle or the student's person. The search will be reasonable in its scope and intrusiveness.
- C. Searches to screen students may be conducted prior to a district-sponsored or school-sponsored extracurricular event. See Appendix I.
- D. As soon as practicable after a search of personal possessions within a locker or vehicle, in accordance with 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 police or school officials.
- E. Whenever feasible, a search of a student will be conducted in private by a school official of the same gender. A second school official of the same gender will be present as an observer during the search of a student whenever feasible.
- F. Strip searches will be conducted only in circumstances involving imminent danger to students, employees or the district. A strip search is a search involving the removal or shaking out of coverings or clothing from private areas. Mass strip searches and body cavity searches, are prohibited.
- G. A school official conducting any other search may determine when it is appropriate to have a second official present as an observer.
- H. A copy of this policy will be disseminated in a way that school officials deem appropriate.

#### V. Directives and Guidelines

School officials may establish reasonable guidelines that address specific needs of the school district, such as use of tape in lockers and desks, standards of cleanliness and care in lockers, posting of items within lockers or desks that may constitute violation of district policy.

#### VI. Seizure of Contraband

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

#### VII. Violations

A student found to have violated this policy or its implementation is subject to

discipline in accordance with the school district's disciplinary policy and handbook, and the student may, when appropriate, be referred to legal officials.

Legal References:

U.S. Const., amend. IV

Minn. Const., art. I, § 10

New Jersey v. T.L.O., 469 U.S. 325 (1985)

*Safford Unified School District v. Redding*, 557 U.S. (2009)

Minn. Stat. § 121A.72 (School Locker Policy)

DesRoches by DesRoches v. Caprio, 156 F.3d 571 (4th Cir. 1998)

Cross References:

Policy 418 (Alcohol- and Drug-Free Workplace)

Policy 501 (School Weapons Policy)

Policy 506 (Student Discipline)

Policy 527 (Student Use and Parking of Motor Vehicles, Patrols, Inspections, and Searches)

Policy 632 (Chemical Use and Abuse)

Policy

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INDEPENDENT SCHOOL DISTRICT 273

Edina, Minnesota

## Appendix I to Policy 502

### **Guidelines for Student Searches at Extracurricular Events**

Searches to screen students may be conducted prior to or at a district-sponsored or school-sponsored extracurricular event (“event”). A screening is conducted to promote a safe event and to prevent students from carrying contraband on their persons.

1. District administration will notify students and parents about possible screening procedures prior to the event or the purchasing of tickets for the event, whichever comes first.
2. Contained in this notification will be:
  - a. What type of screening procedures may be used by district administration, or its agents (e.g. pat-down searches, portable breath test);
  - b. Whether the screening procedures will be completed on all attendees or on a randomized basis; and
  - c. A statement that the student’s purchase of a ticket or attendance at an event is parental and student consent to be subject to the aforementioned searches.
3. Pat-down screenings will be conducted by district employees or law enforcement officials of the same gender as the student being screened.
4. Pat-down screenings may include, but are not limited to, a “pat-down” of the exterior of clothing, emptying pockets, and checking of personal possessions.
5. Portable breath tests used for the detection of alcohol by the district will be approved devices by the National Highway Traffic Safety Administration.

Nothing in these guidelines precludes searches based on a reasonable suspicion.