

Technical Academies of Minnesota

Adopted: Orig. 6/23/2013

Revised: 8/25/2020

501 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 District's policies against contraband.

II. GENERAL STATEMENT OF POLICY

- A. 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 District staff members 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 District staff members 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 District staff members.
- B. The policy above for school lockers also applies equally to student's desks or personal possessions as defined herein.
- C. 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.

III. DEFINITIONS

- A. "Contraband" means any unauthorized item possession of which is prohibited by 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, backpacks, bookbags, packages, and clothing.
- C. "Reasonable suspicion" means that a District staff member has grounds to believe that

the search will result in evidence of a violation of District policy, rules, and/or law. Reasonable suspicion may be based on a District staff member'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, 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, and the age of the student.

IV. PROCEDURES

- A. District staff members may inspect lockers and desks at any time they believe inspection would be in the best interest of the District or the student body. Student lockers, desks and personal possessions may be randomly searched throughout the school year without notice, without student consent and without a search warrant.
- B. A District staff member conducting a search may determine when it is appropriate to have a second official present as an observer.
- C. District staff members may, without a search warrant, search the person and/or personal possessions based on a reasonable suspicion. The search will be reasonable in its scope and intrusiveness.
- D. As soon as practicable after a search pursuant to this policy, the District staff must provide notice of the search to students whose possessions were searched unless disclosure would impede an ongoing investigation by police or District staff.
- E. A search of a person shall be conducted in privacy by a District staff member of the same sex. A second staff member of the same sex shall be present as an observer during the search whenever feasible.
- F. A copy of this policy will be printed in the student handbook or disseminated in any other way which the staff team deem appropriate.

V. DIRECTIVES AND GUIDELINES

The District staff 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.

VI. SEIZURE OF CONTRABAND

If a search yields contraband, District staff members 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 District's Student Discipline Policy, which may include suspension, exclusion, or expulsion, and the student may, when appropriate, be referred to legal authorities.

Legal References: U.S. Constitution, Fourth Amendment
New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985)
Zamora v. Pomeroy, 639 F.2d 662 (10th Cir. 1981).
Minn. Stat. § 127.47 (school locker policy)