

Policy #: 502
Title: SEARCH OF STUDENT LOCKERS, DORM ROOMS, OTHER SPACES, DESKS, PERSONAL POSSESSIONS, AND STUDENT'S PERSON
Date of Initial Approval: 07-09-1996
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Reviewers: MSAB Director; MSAD Director; MSA Director of Student Support Services; MSA Superintendent

I. PURPOSE

The purpose of this policy is to provide for a safe and healthful educational environment by enforcing the Minnesota State Academies (MSA) 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 Minnesota State Academies and at no time does MSA relinquish its exclusive control of those lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by school authorities 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 authorities have a reasonable suspicion that the search will uncover evidence of a violation of law or MSA policies/rules. As soon as practicable after the search of a student's personal possessions, MSA officials must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or MSA officials.

B. Dorm rooms and other spaces provided by MSA, and personal possessions within those spaces: Dorm rooms and other spaces provided by MSA are the property of the Minnesota State Academies. At no time does MSA relinquish its exclusive control of dorm rooms and other spaces provided for the convenience of students. Inspection of the interior of dorm rooms, and other spaces, including personal possessions within those spaces may be conducted by school authorities if they have reasonable suspicion that the search will uncover evidence of a violation of law or MSA policies/rules. As soon as practicable after the search of a student's dorm room, other space, and/or personal possessions, MSA officials must provide notice of the search to students whose lockers, dorm rooms and/or other spaces were searched unless disclosure would impede an ongoing investigation by police or MSA officials.

C. Desks and other furniture: School desks and other furniture are the property of MSA. At no time does MSA relinquish their exclusive control of desks and

other furniture provided for the convenience of students. Inspection of the interior of desks and/or other furniture may be conducted by MSA officials for any reason at any time, without notice, without student consent, and without a search warrant.

- D. Personal Possessions and Student's Person: The personal possessions (including automobiles) of students and/or a student's person may be searched when MSA officials have a reasonable suspicion that the search will uncover a violation of law or MSA policies and rules. The search will be reasonable in its scope and intrusiveness.
- E. It is a violation of this policy for students to use lockers, dorm rooms (including closets, dressers, or other furniture) and other spaces provided by MSA 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 MSA 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 MSA; and stolen property.
- B. **“Personal Possessions”** includes but is not limited to purses, backpacks, suitcases, book bags, packages, and clothing.
- C. **“Reasonable Suspicion”** means that a MSA official has grounds to believe that the search will result in evidence of a violation of MSA policies, 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.
- E. **“Strip Search”** is a search involving the removal of coverings or clothing from private areas.

IV. PROCEDURES

- A. MSA administrators or designees may inspect the interiors of lockers, desks, and other furniture provided by MSA for any reason at any time, without notice, without student consent, and without a search warrant.
- B. MSA administrators or designees may inspect the dorm rooms, other spaces, and/or 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, dorm room, other spaces, desk, or other furniture provided by MSA to this policy, the staff must provide notice of the search to students whose possessions were searched unless disclosure would impede an ongoing investigation by police or MSA officials.
- D. Whenever possible, two (2) staff members will be present for a search.
- E. Whenever feasible, a search of a person shall be conducted in private by an MSA official of the same sex. A second MSA official of the same sex shall be present as an observer during the search of a person whenever feasible. A MSA official conducting any other search may determine when it is appropriate to have a second official present as an observer.
- F. Strip searches will be conducted only in circumstances involving imminent danger. Mass strip searches or body cavity searches are prohibited.
- G. A copy of this policy will be printed in the student handbook. MSA officials shall review this policy with students at the beginning of each school year when students are typically given use of a locker, dorm room, other spaces, desk, and/or other furniture provided by MSA.

V. DIRECTIVES AND GUIDELINES

MSA administration may establish reasonable directives and guidelines which address specific needs of the Academies such as use of tape in lockers, desks, other furniture, dorm rooms and other spaces provided by MSA; standards of cleanliness and care; and posting of pin-ups and posters which may constitute sexual harassment, etc.

VI. SEIZURE OF CONTRABAND

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

VII. 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 MSA 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. Const., amend. IV
Minn. Const., art. I, § 10
Minn. Stat. § 121A.72 (School Locker Policy)
New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985)
G.C. v. Owensboro Public Schools, 711 F.3d 623 (6th Cir. 2013)

Cross References:

MSBA/MASA Model Policy 417 (Chemical Use and Abuse)
MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug-Free School)
MSBA/MASA Model Policy 501 (School Weapons)
MSBA/MASA Model Policy 506 (Student Discipline)