

## 502 Search of Student Lockers, Desks, Property and Person

Adopted: 3/1/2005

Modified: April 2009, 3/28/2023

Last review: 3/28/2023

### 1 Purpose

2 The purpose of this policy is to provide a safe educational and work setting for Minnesota Online High  
3 School (MNOHS) students, staff, families and visitors by conducting searches of persons or equipment  
4 while preserving the constitutional rights of its students and staff. Searches of persons and equipment  
5 may be required to preserve a safe environment for students and staff.

### 6 Definitions

7 A. “Contraband” means any item that students should not possess on school grounds, including  
8 illegal substances and items as well as school rule or policy prohibited items. Prohibited items  
9 include “look-alike” items as well as the actual items

10 B. “Personal possessions” includes but is not limited to purses, backpacks, bookbags, packages, and  
11 clothing.

12 C. “Reasonable suspicion” means that a MNOHS employee has grounds to believe that the search  
13 will result in evidence of a violation of MNOHS policy, rules, and/or law. Reasonable suspicion  
14 may be based on a MNOHS employee’s personal observation, a report from a student, parent or  
15 staff member, a student’s suspicious behavior, a student’s age and past history or record of  
16 conduct both in and out of the school context, or other reliable sources of information.

17 D. “Reasonable scope” means that the scope and/or intrusiveness of the search is reasonably related  
18 to the objectives of the search. Factors to consider in determining what is reasonable include the  
19 seriousness of the suspected infraction, the reliability of the information, the necessity of acting  
20 without delay, the existence of exigent circumstances necessitating an immediate search and  
21 further investigation (e.g. to prevent violence, serious and immediate risk of harm or destruction  
22 of evidence), and the age of the student.

### 23 Policy

24 A. Lockers, Desks and Personal Possessions Within a Locker or Desk

25 1. Pursuant to Minnesota statutes, MNOHS lockers and desks are the property of MNOHS. At no  
26 time does MNOHS relinquish its exclusive control of lockers or desks provided for the  
27 convenience of students. Inspection of the interior of lockers and desks may be conducted by

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28 school staff for any reason at any time, without notice, without student consent, and without a  
29 search warrant.

30 2. The personal possessions of students within a MNOHS locker or desk may be searched only  
31 when MNOHS staff have a reasonable suspicion that the search will uncover evidence of a  
32 violation of law or school rules. A search of personal possessions of a student will be reasonable  
33 in its scope and intrusiveness.

34 3. As soon as practicable after the search of a student's personal possessions, MNOHS staff must  
35 provide notice of the search to students whose lockers or desks were searched unless disclosure  
36 would impede an ongoing investigation by police or the MNOHS administration.

### 37 B. Personal Possessions not within a Locker or Desk

38 1. The personal possessions of students may be searched when MNOHS staff have a reasonable  
39 suspicion that the search will uncover a violation of law or school rules on MNOHS property or at  
40 MNOHS-sponsored events. The search will be reasonable in its scope and intrusiveness.

### 41 C. Student's Person

42 1. A student's person may be searched when MNOHS staff have a reasonable suspicion that the  
43 search will uncover a violation of law or school rules. The search will be reasonable in its scope  
44 and intrusiveness.

45 2. Whenever feasible, a search of a person shall be conducted in private by MNOHS staff of the  
46 same sex. A second MNOHS staff member of the same sex shall be present as an observer during  
47 the search of a person whenever feasible.

48 3. A strip search is a search involving the removal of coverings or clothing from private areas.  
49 Mass strip searches, or body cavity searches, are prohibited. Strip searches will be conducted  
50 only in circumstances involving imminent danger.

51 D. It shall be a violation of this policy for students to use lockers and desks for unauthorized  
52 purposes or to store contraband. It shall be a violation for students to carry contraband on their  
53 person or in their personal possessions. If a search yields contraband, school officials will seize  
54 the item and, where appropriate, turn it over to legal officials for ultimate disposition.

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- 55 E. A school employee conducting a search of a student's possessions may determine when it is  
56 appropriate to have a second employee present as an observer.
- 57 G. A copy of this policy will be printed in the student handbook or disseminated in any other way  
58 which school officials deem appropriate. The school district shall provide a copy of this policy to  
59 a student when the student is given use of a locker.

### 60 **Violations**

61 A student found to have violated this policy and/or the directives and guidelines implementing it shall be  
62 subject to discipline in accordance with the MNOHS Student Discipline Policy, which may include  
63 suspension, exclusion, or expulsion, and the student may, when appropriate, be referred to legal officials.

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