

LIONSGATE ACADEMY

914 SEARCH OF STUDENT LOCKERS, DESKS, PERSONAL POSSESSIONS, STUDENT VEHICLES AND STUDENT'S PERSON

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I. PURPOSE

The purpose of this policy is to provide for a safe and healthy educational environment by enforcing the Lionsgate Academy's policies against contraband.

II. GENERAL STATEMENT OF POLICY

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, in their personal possessions or in their vehicles on Lionsgate Academy property.

- A. Lockers and Personal Possessions Within a Locker: Pursuant to Minnesota statutes, school lockers are the property of Lionsgate Academy. At no time does Lionsgate Academy relinquish its exclusive control of 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, with or without notice, with or without student consent, and with or 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 or school rules. As soon as practical, after the search of a student's personal possessions, the school officials must provide notice of the search to students whose lockers were searched, and their parent(s)/guardian(s), unless disclosure would impede an ongoing investigation by police or school officials.
- B. Desks: School desks are the property of Lionsgate Academy. At no time does Lionsgate Academy relinquish its exclusive control of desks provided for the convenience of students. Inspections of the interior of desks may be conducted by school officials for any reason at any time, with or without notice, with or without student consent, and with or without a search warrant. As soon as practical, after the search of a student's personal possessions, the school officials must provide notice of the search to students whose desks were searched, and their parent(s)/guardian(s), unless disclosure would impede an ongoing investigation by police or school officials.
- C. School-provided Technology and Cases: School-provided technology and cases are the property of Lionsgate Academy. At no time does Lionsgate Academy relinquish its exclusive control of the technology and cases provided for the

convenience of students. Inspections of the school-provided technology and case may be conducted by school officials for any reason at any time, with or without notice, with or without student consent, and with or without a search warrant. As soon as practical, after the search of a student's school-provided technology and case, the school officials must provide notice of the search to students whose technology and case were searched, and their parent(s)/guardian(s), unless disclosure would impede an ongoing investigation by police or school officials.

- D. Personal Possessions: The personal possessions of students may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law or school rules. As soon as practical, after the search of a student's personal possessions, the school officials must provide notice of the search to students whose possessions were searched, and their parent(s)/guardian(s), unless disclosure would impede an ongoing investigation by police or school officials.
- E. Student's Person: The student's person may be searched when school officials have 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. As soon as practical, after the search of a student's person, the school officials must provide notice of the search to their parent(s)/guardian(s), unless disclosure would impede an ongoing investigation by police or school officials.
 - 1. In the event that a search of a person is determined to be necessary, such a search of a person shall be conducted in private by a school official. A second school official shall be present as an observer during the search of a person.
 - 2. A strip search is a search involving the removal of coverings or clothing from private areas. Strip searches, or body cavity searches, are prohibited to be conducted by school officials. In circumstances involving imminent danger, school officials will request assistance from local law enforcement to determine whether a more invasive search may be necessary, in which case a local law enforcement official will conduct the search as permitted by law.
- F. Student Vehicles: A student's personal vehicle on school property may be searched when school officials have 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. As soon as practical, after the search of a student's personal possessions, the school officials must provide notice of the search to students whose lockers were searched, and their parent(s)/guardian(s), unless disclosure would impede an ongoing investigation by police or school officials.

III. DEFINITIONS

- A. "Contraband" means any unauthorized item in a student's possession which is prohibited by Lionsgate Academy 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 Lionsgate Academy, and stolen property.

- B. "Personal possessions" includes but is not limited to purses, backpacks, bookbags, packages, cell phones, 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 Lionsgate Academy policy, rules, and/or law. Reasonable suspicion may be based on a school official's personal observation, a report from a student, parent, 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.

IV. SEIZURE OF CONTRABAND

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

Legal References:

U.S. Constitution, Fourth Amendment

Minn. Const., art. I, § 10

New Jersey v. T.L.O., 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985)

Minn. Stat. § 121A.72 (school locker policy)