

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.

When NWSISD holds programs or activities in a building owned or controlled by one of its member school districts, the member school district shall be responsible for conducting searches when there is reason to believe a search is warranted.

II. GENERAL STATEMENT OF POLICY

- A. Responsibilities of School Building or Site Administrators at NWSISD Program or Activity Locations: NWSISD employees shall immediately contact the appropriate building or site administrator when employees have reason to believe a search for contraband is warranted. The building or site administrator shall be responsible for following their policy and procedures regarding searches.
- B. Personal Possessions and Student's Person: When participating in a NWSISD program or activity, the personal possessions of students and/or a student's person may be searched when NWSISD employees or member school district officials have a reasonable suspicion that the search will uncover a violation of law or district rules. The search will be conducted by member school district employees or site administrative employees and will be reasonable in its scope and intrusiveness.
- C. Desks: School desks are the property of NWSISD or its member school districts. At no time does NWSISD or its member school districts relinquish their exclusive control of desks provided for the convenience of students. Inspection of the interior of desks may be conducted by member school district officials for any reason at any time, without notice, without student consent, and without a search warrant.
- D. It shall be a violation of this policy for students to use lockers, desks or other furniture or equipment 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 NWSISD or its member school districts' policies 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 NWSISD or its member school districts, and stolen property.
- B. "Personal possessions" includes but is not limited to purses, backpacks, book bags, packages, and clothing.
- C. "Reasonable suspicion" means that NWSISD employees or a member school district official has grounds to believe that the search will result in evidence of a violation of NWSISD or its member school districts' policies, rules, and/or law. Reasonable suspicion may be based on an employee's personal observation, a report from a student, parent or other employee, 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. DIRECTIVES AND GUIDELINES

The Executive Director may establish reasonable directives and guidelines, which address specific needs of NWSISD.

V. SEIZURE OF CONTRABAND

If a search yields contraband, the NWSISD employee or its member school district official will seize the item(s) and, where appropriate, turn all contraband over to legal officials for ultimate disposition.

VI. 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 NWSISD's and its member school districts' Student Discipline Policy, which may include suspension, exclusion, or expulsion, 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, 105 S.Ct. 733,
83 L.Ed.2d 720 (1985)
Minn. Stat. §121A.72 (school locker policy)

Cross Reference: NWSISD Policy 417 (Chemical Use and Abuse)
NWSISD Policy 418 (Drug-Free Workplace/Drug-Free Learning Environment)
NWSISD Policy 501 (School Weapons Policy)
NWSISD Policy 506 (Student Discipline)

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