

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 staff shall immediately contact the appropriate building or site administrator when staff have reason to believe a search for contraband is warranted. The building or site administrator shall be responsible for following her/his 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 staff 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 staff or site administrative staff 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 staff 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 a staff member's personal observation, a report from a student, parent or other 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. PROCEDURES

- A. NWSISD member school district officials may inspect the interiors of lockers and desks for any reason at any time, without notice, without student consent, and without a search warrant.
- B. NWSISD or its member school district officials may inspect the personal possessions of a student 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 pursuant to this policy, NWSISD staff or its member school district officials must provide notice of the search to students whose possessions were searched unless disclosure would impede an ongoing investigation by police or school officials.

- D. Whenever feasible, a search of a person shall be conducted in private by a NWSISD staff or its member school district official of the same gender. A second school official of the same gender shall be present as an observer during the search of a person whenever feasible.
- E. A strip search is a search involving the removal of coverings or clothing from private areas. Mass strip searches, or body cavity searches, are prohibited. Strip searches will be conducted only in circumstances involving imminent danger.
- F. NWSISD staff or a member school district official conducting any other search may determine when it is appropriate to have a second official present as an observer.
- G. Copies of this policy will be printed and disseminated by member school districts.

V. DIRECTIVES AND GUIDELINES

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

VI. SEIZURE OF CONTRABAND

If a search yields contraband, NWSISD staff or its member school district officials will seize the item and, where appropriate, turn it over to legal officials 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 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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