



Adopted: May 15, 1996

EMID 6067 Board Policy 502

Revised: March 17, 2004; January, 2015

502 SEARCH OF PERSONAL POSSESSIONS AND STUDENT'S PERSON

I. PURPOSE

The purpose of this policy is to provide for a safe and healthful educational environment by enforcing EMID's policies against contraband.

II. GENERAL STATEMENT OF POLICY

A.. Personal Possessions and Student's Person

The personal possessions of students and/or a student's person may be searched when district officials have a reasonable suspicion that the search will uncover a violation of law or district rules. The search will be reasonable in its scope and intrusiveness.

B.. 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 EMID policy and/or law. It includes but is not limited to weapons and "look-alikes," alcoholic beverages, controlled substances and "look-alikes," materials belonging to the school district, and stolen property.

B. "Personal possessions" includes but is not limited to purses, backpacks, bookbags, packages, and clothing.

C. "Reasonable suspicion" means that a district official has grounds to believe that the search will result in evidence of a violation of EMID policy, rules, and/or law. Reasonable suspicion may be based on a district 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 integration program 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. 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 district rules. A search of personal possessions of a student and/or a student's person will be reasonable in its scope and intrusiveness.
- B. Whenever feasible, a search of a person shall be conducted in private by a district official of the same sex. A second district official of the same sex shall be present as an observer during the search of a person whenever feasible.
- C. 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.
- D. A district official conducting any other search may determine when it is appropriate to have a second official present as an observer.

A copy of this policy will be printed in the student handbook or disseminated in any other way which school officials deem appropriate.

V. DIRECTIVES AND GUIDELINES

The Executive Director may establish reasonable directives and guidelines which address specific needs of the district, such as standards of cleanliness and care, posting of pin-ups and posters which may constitute sexual harassment, etc.

VI. SEIZURE OF CONTRABAND

If a search yields contraband, school officials will seize the item and, where appropriate, turn it over to legal officials 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 EMID's Student Discipline Policy, which may include suspension, exclusion, or expulsion from EMID programs, 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 References: MSBA/MASA Model Policy 417 (Chemical Use and Abuse)
EMID Policy 418 (Drug-Free Workplace/Drug-Free School)
EMID Policy 501 (School Weapons)
EMID Policy 506 (Student Discipline)