

## **527 STUDENT USE AND PARKING OF MOTOR VEHICLES; PATROLS, INSPECTIONS, AND SEARCHES**

### **I. PURPOSE**

The purpose of this policy is to provide guidelines for use and parking of motor vehicles by students in education district locations, to maintain order and discipline in the schools, and to protect the health, safety, and welfare of students and school personnel.

### **II. GENERAL STATEMENT OF POLICY**

The policy of this education district is to allow the limited use and parking of motor vehicles by students in education district locations. The position of the education district is that a fair and equitable district-wide student motor vehicle policy will contribute to the quality of the student's educational experience, will maintain order and discipline in the schools, and will protect the health, safety, and welfare of students and school personnel. This policy applies to all students in the education district.

### **III. DEFINITIONS**

- A. "Contraband" means any unauthorized item possession of which is prohibited by education district 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 the education district, and stolen property.
- B. "Reasonable suspicion" means that a school official has grounds to believe that the search will result in evidence of a violation of education district 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.
- C. "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.
- D. "Education district location" means property that is owned, rented, leased, or

borrowed by the education district for school purposes, as well as property immediately adjacent to such property that may be used for parking or gaining access to such property. An education district location also shall include off school property at any school-sponsored or school-approved activity, event, or function, such as a field trip or athletic event, where students are under the jurisdiction of the education district.

#### **IV. STUDENT USE OF MOTOR VEHICLES IN EDUCATION DISTRICT LOCATIONS**

Students generally are not permitted to use motor vehicles during the school day in any education district location. Students may use motor vehicles on the education district locations during the school day only if there is an emergency and permission has been granted to the student by (designated school official) to use a motor vehicle. Students are permitted to use motor vehicles in education district locations outside of the school day only on the education district locations.

*[Note: This portion of the policy may need to be modified depending upon the designation of the education district locations as open or closed. For example, the education district may choose to adopt language for an open campus in the second sentence such as “Students may use motor vehicles on the education district locations during the school day only during the student’s designated lunch period or if there is an emergency and permission has been granted to the student by (designated school official) to use a motor vehicle during the school day.”]*

#### **V. STUDENT PARKING OF MOTOR VEHICLES IN EDUCATION DISTRICT LOCATIONS**

A. Students are permitted to park in an education district location as a matter of privilege, not of right. Students driving a motor vehicle to a education district locations may park the motor vehicle in the parking lot designated for student parking only. Students will not park vehicles in driveways, on private property, or in *[other designated areas, e.g., parking lots designated for use only by staff or by the general public]*.

B. When there are unauthorized vehicles parked on education district property, school officials may:

1. move the vehicle or require the driver or other person in charge of the vehicle to move it off education district property; or
2. if unattended, provide for the removal of the vehicle, at the expense of the owner or operator, to the nearest convenient garage or other place of safety off of education district property.

#### **VI. PATROLS, INSPECTIONS, AND SEARCHES**

School officials may conduct routine patrols of education district locations and routine

inspections of the exteriors of the motor vehicles of students. In addition, the interiors of motor vehicles of students in education district locations may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law and/or school policy or rule.

A. Patrols and Inspections

School officials may conduct routine patrols of student parking lots and other education district locations and routine inspections of the exteriors of the motor vehicles of students. Such patrols and inspections may be conducted without notice, without student consent, and without a search warrant.

B. Search of Interior of Student Motor Vehicle

The interiors of motor vehicles of students in education district locations, including glove or trunk compartments, may be searched when school officials have a reasonable suspicion that the search will uncover a violation of law and/or school policy or rule. The search will be reasonable in its scope and intrusiveness. Such searches may be conducted without notice, without consent, and without a search warrant. A student will be subject to withdrawal of parking privileges and to discipline if the student refuses to open a locked motor vehicle under the student's control or its compartments upon the request of a school official.

C. Prohibition of Contraband and Interference with Patrols, Inspections, Searches, and/or Seizures

A violation of this policy occurs when students store or carry contraband in motor vehicles in an education district location or interfere with patrols, inspections, searches, and/or seizures as provided by this policy.

D. Seizure of Contraband

If a search yields contraband, school officials will seize the item and may turn it over to legal officials for ultimate disposition when appropriate.

E. Dissemination of Policy

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

## **VII. DIRECTIVES AND GUIDELINES**

The director is granted authority to develop and present for education district board review and approval reasonable directives and guidelines which address specific needs of the education district related to student use and parking of motor vehicles in education district locations, such as a permit system and parking regulations. Approved directives and guidelines shall be attached as an addendum to this policy.

*[Note: Some education districts may choose to allow students to park their cars in education district locations, such as designated student parking lots, by permit only. Such a permit system can be used to assist in the dissemination and enforcement of the motor vehicle policy. For example, education districts instituting a permit system can advise students who apply for a permit that the motor vehicle policy exists and that their motor vehicles are subject to inspection and search by school officials. An acknowledgment form, such as the sample attached to this policy, can then be utilized to document the notice given and the student's receipt of the policy.]*

*[Note: If an education district institutes a permit system and intends to charge students a fee for parking permits, the procedures in Minn. Stat. § 123B.38 must be followed before the fees are implemented.]*

## **VIII. VIOLATIONS**

A student found to have violated this policy and/or the directives and guidelines implementing it shall be subject to withdrawal of parking privileges and/or to discipline in accordance with the education district's Student Discipline Policy, which may include suspension, exclusion, or expulsion. In addition, the student may be referred to legal officials when appropriate.

**Legal References:** U. S. Const., amend. IV  
Minn. Const., art. I, §10  
Minn. Stat. § 123B.02, Subds. 1 and 5 (General Powers of Independent Education districts)  
*New Jersey v. T.L.O.*, 469 U.S. 325, 105 S.Ct. 733, 83 L.Ed.2d 720 (1985)

**Cross References:** MSBA/MASA Model Policy 417 (Chemical Use and Abuse)  
MSBA/MASA Model Policy 418 (Drug-Free Workplace/Drug-Free School)  
MSBA/MASA Model Policy 501 (School Weapons Policy)  
MSBA/MASA Model Policy 502 (Search of Student Lockers, Desks, Personal Possessions, and Student's Person)  
MSBA/MASA Model Policy 506 (Student Discipline)  
MSBA/MASA Model Policy 712 (Video Surveillance Other Than on Buses)