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ALERT TOP STORY

MONONA GROVE HIGH SCHOOL

## Monona Grove High School student files civil rights lawsuit against district for 'unreasonable' drug search

Emilie Heidemann | Wisconsin State Journal

May 24, 2022



Monona Grove High School is located at 4400 Monona Drive.

STATE JOURNAL ARCHIVES

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Emilie Heidemann | Wisconsin State Journal

**A** Black Monona Grove High School junior filed a civil rights lawsuit against the district and four school staff members Monday alleging that an “unreasonable” attempted search for drugs was carried out by some of the staff members during a spring trip last month to Louisiana.



The student, who was not identified by name and is referred to as “M.N.” in the lawsuit, is a member of the Monona Grove Black Student Union. Roughly 30 union students and seven chaperones who were school staff members took the trip south, starting on April 5, to tour historically Black colleges and “other culturally important sights.” The Monona Grove School District’s student body is 4% Black, and a majority of the union is Black, the lawsuit states.



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PAMELA COTANT For the State Journal

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The lawsuit alleges that while aboard the bus on the way back to Wisconsin, the student and five of his Black peers had their bags searched after two staff members noticed the scent of marijuana wafting from a McDonald's restaurant in Amite, Louisiana — a pit stop for food. No one was seen smoking inside the restaurant.

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The attempted search violated the student's Fourth Amendment right to be free from unreasonable search and seizure, and was "racially discriminatory" in nature, the lawsuit alleges. It also claims a violation of the student's Fourteenth Amendment right against unequal protection.

"The defendants humiliated him — in public and in front of his peers — for no reason other than that he's a Black male," Rick Resch, one of the attorneys for the student said in an email Monday. "Everyone on the field trip smelled a faint smell of marijuana in the McDonald's. The defendants then assumed it must've been the boys on the trip because they were Black males. There was no other reason to suspect any student of anything. This is especially true of M.N."

Most of the passengers on the bus bought food at the McDonald's, the lawsuit states, while a small number stayed aboard the bus. When the student returned to the bus, Monona Grove High School teacher and chaperone Emily Hunn told him and other students to "grab their bags and exit," the lawsuit states.

“Once off the bus, M.N. could see that another one of the boys, who had not yet been back at the bus, had just had his bag searched,” the lawsuit states. The boys were confronted by Hunn, along with Monona Grove staff members Molly Rilling, Tanya Greene and Scott Groff, who are all white.

Hunn told the boys she “smelled marijuana” and “demanded they confess to possessing it,” the lawsuit states. The other staff members “told the boys they had to be searched and demanded they empty their pockets.” The boys followed the order, according to the lawsuit.

“Just then, two other Monona Grove employee-chaperones, the advisors of the Black Student Union” — identified elsewhere in the lawsuit as Turkessa Hayes and Toren Young — “and the only two Black staff members on the trip, came out of the bus and told Hunn to stop,” the lawsuit states.

“Back on the bus, the students were irate,” according to the lawsuit. “On the way back to Wisconsin, they demanded answers. The teachers huddled and discussed amongst themselves. Half-hearted apologies were made.”

Two of the staff members claimed that through a “miscommunication” they had come to believe that one of the students had smoked marijuana in the McDonald’s. Asked by a student whether the group would have been searched if they had been members of the school ski team, rather than the Black Student Union, the answer from Rilling was no, the lawsuit states.

The district declined to comment Monday about when it was made aware of the search attempt, and how it responded to the incident — specifically, whether any disciplinary action was brought against the staff members.

“We take allegations of this nature very seriously, but we are unable to comment on pending litigation,” said district Superintendent Dan Olson in an emailed statement Monday.

The school required the students going on the trip, **for which the students fundraised about \$20,000**, to allow their bags to be searched before loading onto the bus for the trip, according to the lawsuit. The lawsuit notes that the school's sports teams are not required to have their bags searched before traveling.

“The preliminary bag searches yielded nothing of interest,” the lawsuit states.

“During the trip there were no disciplinary incidents, including no incidents involving drug use.”

The lawsuit seeks unspecified actual and compensatory damages, along with punitive damages and other costs.

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