

Series Number 503.1AR Adopted December 1977 Revised September 2023

Title Searches and Interviews

1. **Search and Seizure**

- 1.1 If school administration has reason to believe that an illegal act or violation of school rules has been committed, or is about to be committed, they are authorized to search the student and her or his personal property, including cell phones and vehicles, or any school district property used by the student, and seize any item the possession of which is specifically prohibited by law, district policies or school rules, or which contains evidence of a violation of the law, district policies or school rules. Searches will be limited to circumstances in which there is reasonable suspicion that the search will produce evidence of the suspected misconduct. The scope and/or intrusiveness of the search must be reasonably related to the objectives of the search.
- 1.2 Whenever feasible, the student will be present when her or his property or school property which she or he uses is being searched.
- 1.3 A general search of school properties, devices and technologies including, but not limited to lockers, iPads, computers, computer networks, school digital platforms or desks, may occur at any time, and items belonging to the school may be seized. (See Section 2, below, for more information regarding school lockers.)
- 1.4 Schools may use specially trained dogs to detect and alert officials to the presence of prohibited items and illicit substances in lockers, common areas and/or school parking areas. If a dog alerts to an item in a locker or a vehicle it may be searched by school officials.
- 1.5 All items seized will be given to the proper authorities or returned to the true owner.
- 1.6 School administration will not electronically monitor or access a student's school-issued device except as permitted by Minnesota Statute 13.32 subd. 14.

2. **School Lockers**

- 2.1 School lockers are the property of the district. At no time does the district relinquish its exclusive control of lockers provided for the convenience of students.
 - 2.1.1 Inspection of the interior of lockers may be conducted by school authorities for any reason at any time, without notice, without student consent and without a search warrant.
 - 2.1.2 The personal possessions of students within a school locker may be searched only when school authorities have a reasonable suspicion that the search will uncover evidence of a violation of law or school rules.
- 2.2 As soon as practicable after the search of a student's personal possessions, school authorities must provide notice of the search to students whose lockers were searched unless disclosure would impede an ongoing investigation by police or school officials.
- 2.3 A summary of this regulation regarding school lockers will be published in the annual Overview of Student Rights and Responsibilities.

3. **Canine Detection** – In order to maintain a safe and healthy educational environment, planned and generalized schoolwide canine detection procedure (commonly referred to as canine sniff) of student lockers, desks, vehicles when parked on school property, and school facilities and grounds may be conducted periodically in District 196. In addition, canine detection may also be utilized when an administrator has a specific suspicion that contraband is present on school property. The contraband the canine may detect includes drugs, bomb devices and firearms. Notification of canine detection will be provided annually prior to the start of the school year.

3.1 Areas Subject to a Canine Detection

- 3.1.1 Student lockers and desks;
- 3.1.2 Student physical education lockers;
- 3.1.3 Parking lots including the exterior of vehicles parked in school lots;
- 3.1.4 School buses;
- 3.1.5 Hallways/common areas of school;
- 3.1.6 Restrooms;
- 3.1.7 Cafeteria;
- 3.1.8 Perimeter of school;
- 3.1.9 School grounds, as needed per reasonable suspicion, and/or
- 3.1.10 Other school facilities and grounds areas not mentioned above.

3.2 Procedures During a Canine Detection

- 3.2.1 Teachers will be asked to close their doors and proceed with the class session during any type of canine detection process.
- 3.2.2 Teachers will be instructed not to permit students outside of the classroom while the canine detection is being conducted in the interior of a given school building.
- 3.2.3 A canine detection may occur during the school day and/or evening.

3.3 The Search Team

- 3.3.1 The school administrator or designee(s) will conduct the canine detection with the assistance of a trained canine handler, which may be a law enforcement officer.
- 3.3.2 Reasonable efforts will be made to prevent the canine detection animal from having contact with any student or staff during the detection process.
- 3.3.3 If a canine “alerts” to the presence of contraband there exists reasonable, individualized suspicion for a search to be conducted at a given location, including in the personal possessions of students located in the area of the alert. If contraband is found, the matter may be reported to a law enforcement officer as evidence to a crime. The law enforcement officer is responsible for taking appropriate police action as determined necessary by the officer.
- 3.3.4 As soon as possible after the search of a student’s personal possessions, a school administrator will provide notice of the search to the student whose personal possessions were searched unless disclosure would impede an ongoing investigation by police or school administration.
- 3.3.5 School administration will conduct a search of a student’s personal property in a discreet manner that protects the privacy of the student subject to the search.

3.4 Responsibility of the Administrator if Contraband is Found

- 3.4.1 Inform the parent(s) or guardian(s) of the student in possession of the contraband of the findings of the canine detection and any subsequent search of personal property.
- 3.4.2 Implement District 196 policies, regulations and procedures relative to disciplinary action.

4. **Student Interviews with Social Service and Law Enforcement Officials**

- 4.1 When a local social service and/or law enforcement agency gives notice of intention to conduct an interview on school property in connection with an investigation into alleged child abuse under the terms of Minnesota Statute 260E.22, subd.7, the district must cooperate. The district has no power to refuse to allow the interview to take place, to determine who will attend the interview or to determine who will be informed about the interview. (For more information, refer to Administrative Regulation 506.4AR, Reporting Suspected Maltreatment of a Minor.)
- 4.2 Other than in connection with an investigation into alleged child abuse, (as described in 4.1) the administration will grant permission to social service officials to interview students only when the interview is to be held in a closed room away from the view of students and adults, and when prior permission has been received from the student's parent or guardian for the interview.
- 4.3 Other than in connection with an investigation into alleged child abuse, (as described in 4.1) the administration will grant permission to law enforcement officials to interview a student regarding his or her alleged behavior, or the alleged behavior of others, on school grounds and/or during the school day only when the interview is to be held in a closed room away from the view of students and adults. In such a situation, a school administrator or law enforcement official shall attempt to inform the student's parent or guardian about the interview the same day it occurs.
- 4.4 Law enforcement officials will be allowed to interview students in school regarding their alleged behavior, or the alleged behavior of others, outside of the school day only when the interview is to be held in a closed room away from the view of students and adults, and when the law enforcement official receives prior permission from the student's parent or guardian to conduct the interview.
- 4.5 A classroom teacher may never excuse a student at the request of a social service or law enforcement official unless this request has been checked and approved by the appropriate school administrator.
- 4.6 School staff members shall not interfere with a law enforcement decision to remove a student from school for law enforcement purposes; however, reasonable efforts shall be made to inform a student's parent or guardian of the involvement of law enforcement. Law enforcement officers shall not be involved in an educational decision to remove a student from school as a disciplinary response.

References: - Minnesota Statute 13.32, Educational Data
- Minnesota Statute 121A.72, School Locker Policy
- Minnesota Chapter 260E, Reporting of Maltreatment of Minors
- U. S. Constitution, Amendment IV
- Minnesota Constitution, Article 1, § 10
- *New Jersey v. T.L.O.*, 469 U.S. 325, 105 S. Ct. 733, 83 L.Ed.2d720 (1985)