INDEPENDENT SCHOOL DISTRICT 196
Rosemount-Apple Valley-Eagan Public Schools
Educating, developing, and inspiring our students for lifelong success.

Series Number **503.1AR** Adopted **December 1977** Revised **January 2025**

Title **Searches and Interviews**

1. **Search and Seizure of Property or Data**

   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.

   1.7 Sections 1.1-1.6 above relate to searches by school officials. Except as otherwise authorized by this regulation, school administration should contact the district legal department to seek legal guidance in the event law enforcement provides a school with a search warrant, court order or subpoena seeking access to data or property or otherwise seeks to conduct a search at school. For purposes of this regulation, law enforcement includes federal, state and local law enforcement agencies, including immigration enforcement agencies.

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 and Arrests

4.1 Purpose

There are occasions in which persons other than school district officials and employees find it necessary to speak with a student during the school day. Student safety and disruption of the educational program is of concern to the school district. The purpose of this regulation is to establish the procedures for access to students by authorized individuals during the school day.

4.2 Guiding Principles

4.2.1 Generally, students may not be interviewed during the school day by persons other than a student's parents or guardians, school district officials, employees and/or agents, except as otherwise provided by law and/or this regulation.

4.2.2 Requests to interview students made by law enforcement officers and those other than a student's parents or guardians, school district officials, employees and/or agents, shall be made through the principal's office. Upon receiving a request, it shall be the responsibility of the principal to determine whether the request will be granted and to consult with the district's legal department where appropriate. Prior to granting a request, the principal shall generally attempt to contact the student's parents or guardians to inform them of the request, except where otherwise prohibited by law or where other sections of this regulation provide that advance notice to parents or guardians is not required.

4.3 Interviews Conducted Under The Maltreatment Of Minors Act

4.3.1 In the case of an investigation pursuant to the Reporting of Maltreatment of Minors Act, Minnesota Statutes Chapter 260E, a local welfare agency, the agency responsible for investigating the report, and a local law enforcement agency may interview, without parental consent, an alleged victim and any minors who currently reside with or who have resided with the alleged perpetrator. The interview may take place at school and during school hours. School district officials will work with the local welfare agency, the agency responsible for investigating the report, or law enforcement agency to select a place appropriate for the interview.

4.3.2 When the local welfare agency, local law enforcement agency, or agency responsible for assessing or investigating a report of maltreatment determines that an interview should take place on school district property, school district officials must receive written notification of intent to interview the child on school district property prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and a reference to the statutory authority to conduct an interview on school district property. Where the interviews are conducted by the local welfare agency, the notification must be signed by the chair of the local social services agency or the chair's designee. The notification is private educational data on the student. School district officials may not disclose to the parent, legal custodian or guardian the contents of the notification or any other related information regarding the interview until notified in writing by the local welfare or law enforcement agency that the investigation or assessment has been concluded, unless a school employee or agent is alleged to have maltreated the child. Until school district officials receive said notification, all inquiries regarding the nature of the investigation or assessment should be directed to the local welfare or law enforcement agency or the agency responsible for assessing or

investigating a report of maltreatment shall be solely responsible for any disclosure regarding the nature of the assessment or investigation.

4.3.3 School district officials shall have discretion to reasonably schedule the time, place, and manner of an interview by a local welfare or local law enforcement agency on school district premises. However, where the alleged perpetrator is believed to be a school district official or employee, the local welfare or local law enforcement agency will have discretion to determine where the interview will be held. The interview must be conducted not more than 24 hours after the receipt of the notification unless another time is considered necessary by agreement between the school district officials and the local welfare or law enforcement agency. However, school district officials must yield to the discretion of the local welfare or law enforcement agency concerning other persons in attendance at the interview. School district officials will make every effort to reduce the disruption to the educational program of the child, other students, or school staff when an interview is conducted on school district premises.

4.3.4 Students shall not be taken from school district property without the consent of the principal and proper documentation.

4.4 Law Enforcement Interviews and Arrests

4.4.1 Section 4.4 applies to law enforcement interviews and arrests at school that are not conducted in connection with an investigation of alleged maltreatment as described in section 4.3, above.

4.4.2 Interviews Regarding Conduct With A Nexus To School - School administration will grant permission to law enforcement officials to interview a student in school regarding their alleged behavior, or the alleged behavior of others, that took place on school grounds, during the school day, or with a nexus to school safety only when:

4.4.2.1 the interview is held in a closed room away from the view of students and adults;

4.4.2.2 a school administrator or law enforcement official attempts to inform the student's parent or guardian about the interview the same day it occurs; and

4.4.2.3 school administration asks to see the law enforcement officer's credentials and makes a record of the credentials before providing access to a student if the officer is unknown to the school.

Exceptions to this section may be permitted in response to exigent circumstances or with a properly issued judicial order, warrant or subpoena. School administrators should attempt to contact the legal department to review any judicial order, warrant or subpoena.

4.4.3 Interviews Regarding Conduct Without A Nexus To School - School administration will grant permission to law enforcement officials to interview a student in school regarding their alleged behavior, or the alleged behavior of others, that took place outside of the school day and off school property only when:

4.4.3.1 the interview is held in a closed room away from the view of students and adults;

4.4.3.2 the law enforcement official receives prior permission from the student's parent or guardian to conduct the interview; and

4.4.3.3 school administration asks to see the law enforcement officer's credentials and makes a record of the credentials before providing access to a student if the officer is unknown to the school.

Exceptions to this section may be permitted in response to exigent circumstances or with a properly issued judicial order, warrant or subpoena. School administrators should attempt to contact the legal department to review any judicial order, warrant or subpoena.

4.4.4 A classroom teacher may never release 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.

4.4.5 Law enforcement may make a custodial arrest of a student at school with a valid judicial arrest warrant or without a warrant if otherwise authorized by law. 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 consult with the district's legal department prior to the arrest and to inform a student's parent or guardian of the arrest as soon as possible.

4.4.6 A student who is not under custodial arrest may not be released to law enforcement officers without prior parent or guardian permission, or if a parent or guardian is not available, a principal may authorize release if determined necessary for the welfare of the student.

4.4.7 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)
- MSBA/MASA Model Policy 502, Search of Student Lockers, Desks, Personal Possessions, and Student's Person
- MSBA/MASA Model Policy 519, Interviews Of Students By Outside Agencies