

## STUDENTS

### DISCIPLINARY AND CRIMINAL INVESTIGATIONS

#### I. SEARCH OF STUDENT LOCKERS, DESKS, PERSONAL POSSESSIONS AND STUDENT'S PERSON

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

##### A. General Statement of Policy

##### 1. Lockers and Personal Possessions Within a Locker

Pursuant to Minnesota statutes, school lockers are the property of the school district. At no time does the school district relinquish its exclusive control of lockers provided for the convenience of students. Inspection of the interior of lockers may be conducted by the school for any reason at any time, without notice, without student consent, and without a search warrant. 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. As soon as practicable after the search of a student's personal possessions, the school officials 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. Desks

School desks are the property of the school district. At no time does the school district relinquish its exclusive control of desks provided for the convenience of students. Inspection of the interior of desks may be conducted by school officials for any reason at any time, without notice, without student consent, and without a search warrant.

##### 3. Personal Possessions and Student's Person

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

##### 4. It shall be a violation of this policy for students to use lockers and desks for unauthorized purposes or to store contraband on their person or in their personal possessions.

**B. Definitions**

1. “Contraband” means any unauthorized item possession of which is prohibited by school 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 school district, and stolen property.
2. “Personal possessions” includes but is not limited to purses, backpacks, book bags, packages, and clothing.
3. “Reasonable suspicion” means that a school official has grounds to believe that the search will result in evidence of a violation of school 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.
4. “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.

**C. Procedures**

1. School officials may inspect the interiors of lockers and desks for any reason at any time, without notice, without student consent, and without a search warrant.
2. School 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 school rules. A search of personal possessions of a student and/or a student’s person will be reasonable in its scope and intrusiveness.
3. As soon as practicable after a search of personal possessions within a locker pursuant to this policy, the school officials must provide notice of the search to students whose possessions were searched unless disclosure would impede an ongoing investigation by policy or school officials.
4. Whenever feasible, a search of a person shall be conducted in private by a school official of the same sex. A second school official of the same sex shall be present as an observer during the search of a person whenever feasible.

5. 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.
6. A school official conducting any other search may determine when it is appropriate to have a second official present as an observer.
7. A copy of this policy will be printed in the student handbook or disseminated in any other way which school officials deem appropriate. The school district shall provide a copy of this policy to a student when the student is given use of a locker.

D. Directives and Guidelines

School administration may establish reasonable directives and guidelines, which address specific needs of the school district, such as use of tape in lockers, standards of cleanliness and care, posting of pin-ups and posters which may constitute sexual harassment, etc.

E. 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.

F. 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 the school district's Student Discipline Policy, which may include suspension, exclusion, or expulsion, and the student may, when appropriate, be referred to legal officials.

## II. INTERVIEWS OF STUDENTS BY OUTSIDE AGENCIES

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 policy is to establish the procedures for access to students by authorized individuals during the school day.

A. General Statement of Policy

1. Generally, students may not be interviewed during the school day by persons other than a student's parents, school district officials, employees and/or agents, except as otherwise provided by law and/or this policy.
2. Requests from law enforcement officers and those other than a student's parents, school district officials, employees and/or agents to interview

students 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. Prior to granting a request, the principal shall attempt to contact the student's parents to inform them of the request, except where otherwise prohibited by law.

B. Interviews Conducted Under the Maltreatment of Minors Act

1. In the case of an investigation pursuant to the Maltreatment of Minors Act, Minn. Stat. 626.556, Subd. 10, a local welfare agency and a local law enforcement agency may interview, without parental consent, an alleged victim and any minors who currently reside with or 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 or law enforcement agency to select a place appropriate for the interview. The interview may take place outside the presence of the perpetrator or parent, legal custodian, guardian, or school district official.
2. If the interview took place or it to take place on school district property, an order of the juvenile court pursuant to Minn. Stat. 626.556, Subd. 10 (c) may specify that school district officials may not disclose to parent, legal custodian, or guardian the contents of the notification of intent to interview the child on school district property and/or any other related information regarding the interview that may be part of the child's record. The school district official must receive a copy of the order from the local welfare or law enforcement agency.
3. When the local welfare or local law enforcement agency 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 prior to the interview. The notification shall include the name of the child to be interviewed, the purpose of the interview, and reference to the statutory authority to conduct an interview on school 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 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. 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 responsible for the investigation.
4. School district officials shall have discretion to reasonable 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 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.

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

### **III. SEARCH OF BUILDINGS AND GROUNDS**

Martin County West Administration may deem it necessary to solicit law enforcement assistance in completing searches of the school buildings and grounds for illegal and illicit substances. This may involve canine units in an attempt to provide a drug free and safe environment for students to participate in their educational development. The search may include but is not limited to lockers and the parking lots. Personal vehicles may be searched provided there is “probable cause” for such an event. This search will not be advertised and will involve the students and staff in a “lock down” type setting.