

Students

Search and Seizure

The Board seeks to ensure a learning environment which protects the health, safety and welfare of students and staff. To assist the Board in attaining these goals, District officials may, subject to the requirements below, search a student's person and property, including property assigned by the District for the student's use. Such searches may be conducted at any time on District property or when the student is under the jurisdiction of the District at school-sponsored activities.

All searches for evidence of a violation by the District shall be subject to the following requirements:

1. The District official shall have individualized, "*reasonable suspicion*" to believe evidence of a violation of law, Board policy, administrative regulation or school rule is present in a particular place;
2. The search shall be "*reasonable in scope*." That is the measures used are reasonably related to the objectives of the search and not excessively intrusive in light of the age, sex, maturity of the student and nature of the infraction.
3. District officials may also search when they have reasonable information that emergency/dangerous circumstances exist.

Desks and School Lockers

Desks and school lockers are property of the schools. The right to inspect desks and lockers assigned to students may be exercised by school officials to safeguard students, their property, and school property with reasonable care for the Fourth Amendment rights of students. The administration will annually ensure that students are advised of this policy.

The exercise of the right to inspect also requires protection of each student's personal privacy and protection from coercion. An authorized school administrator may search a student's locker or desk under the following conditions:

1. There is reason to believe that the student's desk or locker contains weapons, contraband material, or the fruits of a crime.
2. There are reasonable grounds for suspecting the search will turn up evidence that the student has violated or is violating either the law or the rules of the school.
3. The measures used to conduct the search are reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the student and the nature of the alleged legal or rules infraction.

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Desks and School Lockers (continued)

Use of Police K-9 dogs or other detection devices may be used only on the express authorization of the Superintendent.

District officials may seize any item which is evidence of a violation of law, Board policy, administrative regulation or school rule, or which the possession or use of is prohibited by such law, policy, regulation or rule.

Student Searches (From 7-402B)

Students or their property, including automobiles parked on school property, may be searched if there are reasonable grounds for suspecting the search will turn up evidence that students have violated or are violating either the law or the rules of the school. The scope of the search must be reasonably related to the objectives of the search and not excessively intrusive in light of the age and sex of the students and the nature of the infraction.

Strip searches shall not be conducted by school authorities. All searches by the Principal or his/her designee shall be carried out in the presence of another adult witness.

A strip search is defined as a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket

Vehicle Searches on School Grounds

The privilege of bringing a student-operated motor vehicle onto school premises is hereby conditioned on consent by the student driver to allow the search of that motor vehicle when there is reasonable cause for a search of that motor vehicle. The act of bringing a motor vehicle upon school premises will allow school officials to presume consent by the student, parent or guardian, or owner of the vehicle for a search of that motor vehicle. Refusal by a student, parent or guardian, or owner of the vehicle to allow access to a motor vehicle on school premises at the time of a request to search the motor vehicle will be cause for termination, without further hearing, of the privilege of bringing a motor vehicle onto school premises. The Principal, or a building administrator, may request a law enforcement officer to search a motor vehicle on school premises, subject to provisions of this policy.

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Search and Seizure (continued)

Police Involvement in Searches and Interrogations of Students

The District is committed to cooperating with police officials and other law enforcement authorities in order to maintain a safe school environment. Police officials, however, have limited authority to interview or search students in schools or at school functions, or to use school facilities in connection with police work.

Students may be searched by law enforcement officials on school property or when the student is under the jurisdiction of the District upon the request of the law enforcement official. Such requests ordinarily, shall be based on a (1) warrant; or (2) probable cause to believe a crime has been committed on school property or at a school function; or (3) an invitation by school officials. The school Principal or designee will attempt to notify the student's parents in advance to give the parent the opportunity to be present during the police questioning or search, and will be present for all such searches.

(cf. 5145.121 – Search of Vehicles on School Grounds)

(cf. 5145.122 – Use of Dogs to Search School Property)

(cf. 5145.123 – Use of Metal Detectors)

(cf. 5145.124 – Breathalyzer Testing)

(cf. 5145.125 – Drug Testing)

(cf. 5131.111 – Video Surveillance)

Legal Reference: Connecticut General Statutes

10-221 Boards of education to prescribe rules

New Jersey v. T.L.O., 469 US 325; 105 S.Ct.733

Safford Unified School District #1 v. Redding (U.S. Sup. CT 08-479)

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Definitions

a. “Reasonable suspicion” means sufficient knowledge possessed by the District official at the time the official makes or authorizes the search which would lead a reasonable person to believe that a search of a particular student or place will likely turn up evidence of a violation of law, Board policy, administrative regulation or school rule. The official’s knowledge may be based upon relevant past experience of the official, observation by the official and/or credible information from another person.

(1) **“Past experience”** may provide the district official with information relevant to the violation as well as information which enables the official to evaluate the credibility of information from another student.

(2) **“Credible information from another person”** may include information which the district official reasonably believes to be true provided by another District employee, a student, a member of law enforcement or other government official or some other person.

b. “Reasonable in scope” means the manner and extent of the search are reasonably related to the objectives of the search, limited to the particular student or students most likely to be involved in the infraction and not excessively intrusive in light of the student’s age, sex, maturity or the nature of the infraction.

Justification for Student Searches

Students possess the right to be free of unreasonable searches and seizures under the Fourth Amendment of the Constitution of the United States. Balanced against this right is the school officials’ responsibility to create and maintain an environment consistent with the school’s educational mission. School officials have a duty to protect the health, safety and welfare of all students under their authority.

Prohibited Items

Students are requested not to bring to school items or substances which would disrupt the educational function of the school or which are prohibited by Board policy, administrative regulations or by law. Examples of items or substances in this category are weapons, clubs, explosives, firecrackers, alcoholic beverages and nonprescription drugs or drug paraphernalia.

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Search and Seizure (continued)

Lockers and Other School Property

Lockers and other storage spaces are provided to students for their convenience. These storage areas remain school property, and as such, are subject to periodic inspections by school authorities. The purpose of such inspections is not to collect evidence of wrongdoing on the part of a single student, but rather to allow school authorities responsible for the appropriate use of school property the opportunity to confirm that lockers are being used in a manner consistent with the health and safety of all students. Students are therefore warned not to store items in lockers which they do not want to bring to the attention of school authorities.

Emergencies

Circumstances which put the safety of students or school staff at risk or could result in substantial property damage also will constitute sufficient reasons for school or police officials to conduct a thorough search of all school property. A bomb scare is an example of such an emergency. In responding to such an emergency or dangerous circumstance, the actions of the school officials shall be reasonably effective and no more intrusive than necessary.

Student Searches

School authorities are authorized to conduct searches of students or their property when reasonable suspicion indicates that a particular student is in possession of an item or a substance that represents a material threat to school routine or is prohibited by Board policy, administrative regulations or by law. Student property shall include, but not be limited to, purses, bookbags and cars. If students don't have access to their cars during school hours, the justification for searching student-driven cars is removed. School authorities in cooperation with the local police department reserve the right to conduct sniff searches with dogs of school property and student-driven cars.

Police Notification

With regard to possession of items that constitute a violation of law, school authorities may wish to cooperate with the appropriate law enforcement agencies in the interest of preserving the integrity of the school's educational mission.

Lockers and Other School Property (Desks)

1. The school principal or his/her designee shall maintain an accurate list of all locker assignments and either a master key or combinations to all lockers.

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Lockers and Other School Property (Desks) (continued)

2. At the time a student is assigned a locker or other storage space, he or she shall be informed that school authorities are empowered to conduct random periodic inspections of school lockers. Notices of this inspection policy also shall be posted in appropriate locations throughout the school.

3. Students also will be informed of the following locker regulations:

A. Students are responsible for the contents of the locker assigned to them.

B. Students are to keep their lockers locked.

C. Students are not to give other students access to their locker.

4. The exercise of that right to inspect also requires protection of each student's personal privacy and protection from coercion. An authorized school administrator may search a student's desk or locker under the following conditions:

A. There is reason to believe that the students' desk or locker contains contraband material and the presence of said material poses a serious threat to the maintenance of discipline, order, safety or health in the school.

B. The search of a group of students' desks or a group of students' lockers where no particular student within the group is suspected may be conducted only if there is a reasonable suspicion of conduct immediately harmful to students, staff or school property.

Prescription Drugs

Students who have a legitimate need to bring prescription drugs to school should register this information in the nurse's office. (cf. 5141.21 - Administration of Medication)

Lost or Abandoned Items

Lost or abandoned items will be inspected by school authorities.

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Student Searches

1. All searches of students shall be conducted or authorized by the Principal or designee, in the presence of a witness.
2. When the need to search a student arises, the student may be asked to give his or her consent to the search, but in no event shall the student be threatened with harsher punishment or treatment for refusing to consent, nor shall he or she be coerced or induced to give consent in any other manner. The consent, if given, shall be put in writing. If the student is unwilling to give free and voluntary consent, the school administrator may order the student to submit to a search. If the student refuses to obey the order, the school administrator may bring insubordination charges against the student as stipulated in applicable school regulations.
3. Searches should be no more intrusive than necessary to discover that for which the search was instigated.
4. A search of a student's handbag, gym bag or similar personal property carried by a student may be conducted if there is "reasonable grounds" for suspecting that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school.
5. Locker searches shall be conducted in the presence of another staff member and in the presence of the student responsible for the contents of the locker, if possible.
6. Searches may include, if school authorities think necessary, a frisk or pat down of student clothing. Frisk or pat down searches shall be conducted by a member of the same sex as the student and in the presence of another staff member. Where the object of the search may be felt by a pat down of clothing or personal property, the District official may first pat the clothing or property in an attempt to locate the article before searching inside the clothing or property.
7. At no time should school officials conduct a search which requires a student to remove more clothing than his/her shoes or jacket. If school authorities are convinced that a more intrusive search is required to expose contraband they should advise the proper law enforcement agency.
8. A search of a student's person, or a search of a group of students where no particular student within the group is suspected, may be conducted only if there is a reasonable suspicion of conduct immediately harmful to students, staff or school property. "Strip searches" of students are prohibited by employees of this school District.

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Student Searches (continued)

9. Student searches which disclose evidence of school misconduct, but not criminal misconduct, should be treated according to applicable policies and/or regulations.
10. In the event that a student search discloses evidence of criminal wrongdoing, the school Principal or his/her designee shall determine whether or not police officials should be notified of the fruits of the search. If police officials are notified the student's parents should be advised of this fact as soon as possible.
11. A strip search requiring a student to remove clothing down to the student's underwear or including underwear is prohibited by the District. (CABE's recommended position)

Emergency/Dangerous Circumstances

1. Where a District official has knowledge which would lead a reasonable person to believe that either an emergency or dangerous circumstance exists and that it is necessary to act to protect the safety of any person or property, the official may make a search to the extent necessary to relieve the emergency or dangerous circumstance.
2. In responding to such an emergency or dangerous circumstance, the actions of the official shall be reasonably effective and no more intrusive than necessary.

Documentation

Administrators shall document all searches. Documentation shall consist of the following:

- Name, age and sex of student;
- Time and location of search;
- Justification for search and nature of reasonable suspicion;
- Type/Scope of search (what was searched);
- Results of search, prohibited material(s) found, disposition of the material(s) seized and discipline imposed;
- Name of the witness to the search;
- Name of the District official.

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Search and Seizure (continued)

Student Notification

Notice of the Board's policy and pertinent provisions of this regulation will be provided to staff, students and their parents annually, through such means as staff and student/parent handbooks and the school/District website.

(cf. 5145.121 – Search of Vehicles on School Grounds)
(cf. 5145.122 – Use of Dogs to Search School Property)
(cf. 5145.123 – Use of Metal Detectors)
(cf. 5145.124 – Breathalyzer Testing)
(cf. 5145.125 – Drug Testing)
(cf. 5131.111 – Video Surveillance)

Legal Reference: Connecticut General Statutes

10-221 Boards of education to prescribe rules.

New Jersey v T.L.O., 53 U.S.L.W. 4083 (1985)

PA 94-115 An Act Concerning School Searches.

Safford Unified School District #1 v. Redding (U.S. Sup. CT 08-479)

