

Search and Seizure**Definitions**

1. **“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.
 - a. **“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.
 - b. **“Credible information from another person”** may include information which the District official reasonably believes to be true provided by another District employee, a student, law enforcement or other government official or some other person.
2. **“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, gender, maturity or the nature of the infraction.

Justification for Student Searches

Students have 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 District officials' responsibility to create and maintain an environment consistent with the school's educational mission. District officials have a duty to protect the health, safety and welfare of all students under their authority.

Prohibited Items

Students are prohibited from bringing 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.

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 routine periodic inspections by school authorities as well as searches. Such inspections to allow responsible school authorities to confirm that lockers and other school property are being used appropriately in a manner consistent with the health and safety of all students. Students should not to store items in lockers or other school property which violate Board policy, administrative regulations or law.

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 District, 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 not 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 and bookbags. School authorities in cooperation with the local police department reserve the right to conduct sniff searches with dogs of school property.

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 principal or his/her designee shall maintain an accurate list of all locker assignments and either a master key or combinations to all lockers.
2. At the time a student is assigned a locker or other storage space, he/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 on the District website and published in Student-Parent Handbooks.
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, locker or other school property 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, lockers or other school property 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.

Lost or Abandoned Items

Lost or abandoned items will be inspected by school authorities.

Student Searches

1. All searches of students shall be conducted or authorized by the Principal or his/her designee, in the presence of a witness.
2. When the need to search a student arises, the student may be asked to give his/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/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 Board policy and administrative 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, bookbag, 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 the District.
9. Student searches which disclose evidence of school misconduct, but not criminal misconduct, should be treated according to applicable Board policies and/or administrative regulations.
10. In the event that a student search discloses evidence of criminal wrongdoing, the 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/guardians 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.

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

District administrators shall document all searches. Documentation shall consist of the following:

- Name, age and gender 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.

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 District website.

Legal Reference: Connecticut General Statutes § 10-221
New Jersey v. T.L.O., 53 U.S.L.W. 4083 (1985)
Public Action 94-115
Safford Unified School District #1 v. Redding (U.S.S.C. CT 08-479)

Regulation approved: May 13, 2015
Regulation revised: May 5, 2016