

Students

Search and Seizure

Desks, school lockers, gym baskets, and other storage areas are the property of the schools. The right to inspect storage areas 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 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 assigned storage area under three (3) conditions:

1. There is reason to believe at the inception of the search that the student's storage area contains contraband material.
2. There is reason to believe at the inception of the search that 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 student has been informed in advance that Board policy allows storage areas to be inspected if the administration has reason to believe that materials injurious to the best interests of students and the school are contained therein.

The scope of the search shall be reasonably related to the objectives of the search and shall not be excessively intrusive in light of the nature of the infraction.

Use of drug-detection dogs or similar detective 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

A student and his/her effects may be searched if there is reasonable suspicion that the search will turn up evidence that the student has violated or is violating either the law or the rules of the school. The scope of the search shall be reasonably related to the objectives of the search and shall not be excessively intrusive in light of the age and sex of the student and the nature of the incident. A student will be asked to present any contraband to the administration or police prior to a physical search.

All searches of students shall be conducted or directed by an authorized school administrator in the presence of a witness. Students may be searched by law enforcement officials on school property or

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Student Searches - cont'd

when the student is under the jurisdiction of the district upon the request of a law enforcement official.

Legal Reference: Connecticut General Statutes

54-33n Search of school lockers and property

10-221 Boards of Education to prescribe rules

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

Policy Adopted: March 1, 1995

Policy Revised: April 4, 2007

Policy Revised:

BRISTOL PUBLIC SCHOOLS

Bristol, Connecticut

Students

Search and Seizure

1. Search of a Student and His/Her Effects

A. All searches of students shall be conducted or directed by an authorized school administrator, i.e., the principal or vice principal, in the presence of a witness.

B. A search of a student's handbag, gym bag, cellular telephone, personal electronic device or similar personal property carried by a student may be conducted if there are reasonable grounds for suspecting that the search will produce evidence that the student has violated or is violating either the law or the rules of the school. A student's other effects are also subject to the same rule. Effects may include motor vehicles located on school property.

C. A search of a student's person may be conducted only if there are reasonable grounds at the inception of the search for suspecting that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. Moreover, the scope of the search shall be reasonably related to the objectives of the search and shall not be excessively intrusive in light of the age and sex of the student and the nature of the infraction. Metal detectors, breathalyzers and/or drug sniffing dogs may be used to detect the presence of contraband, including weapons, drugs or alcohol, in furtherance of this policy and to the extent authorized by law.

D. Strip searches are prohibited except when there are reasonable grounds for suspecting that such a search will produce evidence of conduct which places students, staff or school property in immediate danger. Such searches may be conducted at the request of the school principal, generally by a member of the police department. During such searches, a member of the school staff shall be present at all times as a witness, and both the police officer conducting the search and the witness shall be of the same sex as the student being searched.

E. Any evidence of illegal conduct or conduct violative of the rules of the school produced as a result of searches according to these regulations shall be subject to seizure. Where required by law and otherwise at the option of the building principal, such evidence shall be submitted to the police department for proper disposition. Evidence not submitted to the Police Department shall be disposed of as directed by the building principal.

2. Search of a Locker, Desk and Other Storage Area

A. The Board of Education provides lockers, desks, gym baskets and other storage areas in which students may keep and store personal belongings and materials provided by the Board of Education. Such storage areas are the property of the Board of Education.

B. No student shall keep or store personal belongings or materials provided by the Board of Education in any storage area other than one provided by the Board of Education and designated for his/her use by the school administration.

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2. Search of a Locker, Desk and Other Storage Area - cont'd

C. Each student shall be responsible for maintaining any storage area assigned to him/her for his/her use in an orderly and sanitary condition.

D. No student shall keep or store in a storage area assigned to him/her for his/her use any item the possession of which is illegal or in violation of school regulations or that endangers the health, safety or welfare of self or others (such as matches, chemicals, ammunition, weapons, drugs, tobacco, alcoholic beverages, etc.).

E. The use of lockers and other storage areas by students is a privilege. At all times such storage areas remain the property of the Board of Education. If the school administration reasonably suspects that a student is not maintaining a storage area assigned to him/her in a sanitary condition, or that the locker contains items the possession of which is illegal or in violation of school regulations or that endangers the health, safety or welfare of the student or others, it has the right to open and examine the storage area and to seize any such items that are found. The school administration may authorize law enforcement officials to search lockers/storage areas in accordance with Board Policy 5145.12, Section 2(A).

F. When required by law and otherwise at the option of the building principal, items that have been seized shall be submitted to the police department for proper disposition. Items not submitted to the police department shall be disposed of as directed by the building principal.

Legal Reference: Connecticut General Statutes

10-221 Boards of education to prescribe rules

54-33n Searches

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

Stafford Unified District #1 v. Redding, U.S. Sup. CT 08-479

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BRISTOL PUBLIC SCHOOLS
Bristol, Connecticut