

## STUDENTS

### SEARCH AND SEIZURE

The Board of Education is committed to providing a safe, healthy and orderly learning environment while also maintaining respect for the privacy interests of students.

#### **No Expectation of Privacy in Use of School Property**

Desks, lockers and other such property owned by the Board of Education are provided for use by students solely to support the educational experience. Although students are given use of these items, the Board retains access and control of all school property and may inspect the interior condition of desks and lockers for proper maintenance, health, safety and other administrative purposes. Inspections of school property may be accomplished with or without advance notice to students. Students should have no expectation of privacy in the use of desks, lockers and other similar school property. School officials may not use periodic inspections of school property as a pretense to search an individual student's locker or desk.

#### **When and How School Officials May Conduct Searches**

School officials may search an individual student, the student's personal belongings or the student's locker or desk when there is reasonable suspicion that the student has violated a law or the rules of the school. The search must be *justified at its inception* in that there are 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. In other words, the information giving cause for the search should be sufficient and reliable to the extent that there is a moderate chance of finding evidence of wrongdoing. In addition, the search must be *reasonable in scope* so that the manner in which the search is conducted is reasonably related to the objective of the search and not excessively intrusive in light of the age and gender of the student and the nature of the infraction.

Only school administrators or their designees may conduct searches. A search of a student's locker or desk will be conducted in the presence of the student, if possible. A search of the student or the student's personal belongings shall be done in the presence of a witness (other school personnel). Searches should be no more intrusive than necessary to discover the object that instigated the search. Any student who fails to comply with a search request may be subject to disciplinary proceedings for insubordination.

When a search is determined to be justified at inception and reasonable in scope, school officials may authorize law enforcement officials to search lockers and other school property available for use by students for the presence of weapons, contraband or other fruits of a crime.

#### **Strip Searches by School Officials Prohibited**

Searches of the student's person must be conducted by a school official who is the same gender as the student and may include a frisk or pat-down of student clothing. Depending upon the severity of the infraction, students may also be asked to remove shoes or outerwear such as a coat, jacket, or sweater. Under no circumstances shall a school official conduct a "strip" search of a student. In the event that a student is reasonably suspected of concealing evidence of criminal activity that can be obtained only by removal of clothing (other than shoes and

outerwear) and the student refuses to deliver such evidence, the assistance of the police shall be obtained.

### **Vehicle Searches on School Grounds**

Vehicles brought on school grounds by students are subject to the same criteria for searches as students' personal belongings. 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 of the privilege of bringing a motor vehicle onto school premises.

### **Seizure of Property Belonging to Student**

School personnel may temporarily take control of property belonging to a student (including items such as a cell phone or other electronic device) when the student's use or possession of such property violates school rules or is otherwise disruptive of the educational process. Items taken from students should be made available for return to the student or the student's parent or legal guardian as soon as feasible or upon the conclusion of disciplinary proceedings associated with the item(s). Any illegal substance, weapon, item that may not be legally possessed by a student or other "fruit of a crime" that is confiscated from a student or discovered in an inspection of school property or search may be turned over to law enforcement officials.

### **Breathalyzer**

Students may be subject to breathalyzer tests during school and at school sponsored events if school personnel have reasonable suspicion to believe that a student is under the influence of alcohol. The determination of reasonable suspicion will be based on observations of the student including, but not limited to: flushed face; red, watery, glassy or bloodshot eyes; odor of alcohol on breath, clothing or person; slurred speech; inability to follow instructions or comprehend questions; impaired motor skills; unusual emotionality (combative, argumentative, jovial, impulsive, e.g.); lack of awareness with regard to time and place; vomiting; found in possession of product containing alcohol. Breathalyzer tests may only be conducted by properly trained personnel in a private environment. Parents or guardians will be notified of any administration of a breathalyzer test and the results. Students found in possession of alcohol or under the influence of alcohol will be subject to disciplinary procedures. Students who refuse to submit to a breathalyzer test will be subject to disciplinary procedures.

Students may also be subject to breathalyzer tests as a prerequisite for attendance at any school dance or prom. Students will be notified of the requirement to submit to a breathalyzer test prior to being admitted to the event.

### **Canine sniffing**

The Superintendent is authorized to invite law enforcement agencies or other qualified agencies or individuals to search school property with dogs trained in detecting the presence of illegal substances including alcohol and/or drugs. Such searches will only be conducted when there are reasonable grounds for suspecting that the search will produce evidence of contraband.

Individuals shall not be subjected to a dog sniff examination of their person. However, personal property such as book bags, tote bags, purses and other objects or materials used to transport or store property that are not part of the individual's clothing and are intended to be readily detached from the person may be examined. Dogs may not be used in areas occupied by students, staff or any other person except for demonstration purposes with the handler present or in serious life-threatening emergencies. School officials shall ensure that students and staff are not physically present in the vicinity of a search conducted with the assistance of any dog. The

Superintendent of Schools shall develop regulations regarding the use of canine sniffing in the schools. Notice of the policy and regulations regarding canine sniffing shall be provided to students at the beginning of the year.

**Notice**

Notice of this policy shall be provided to students annually in student handbooks or with notifications sent at the beginning of each year. Notice of the District's practice of conducting periodic inspections of school property such as desks and lockers shall be posted in appropriate locations for student to view.

Legal References:

Connecticut General Statutes

10-221 Boards of education to prescribe rules

54-33n Search of school lockers and property

*New Jersey v. T.L.O.*, 469 U.S. 325 (1985)

*Safford Unified Sch. Dist. #1 v. Redding*, 129 S. Ct. 2633 (2009)