

Students

Search and Seizure

In order to insure the welfare of each student and to insure the orderly operation of the schools, the Principal, Assistant Principal or Security Officer of each school, as the authorized agent of the Board of Education is authorized to search students and lockers under the appropriate circumstances.

The decision to search a student's locker or other such property shall be made by the school Principal or Assistant Principal. All student searches and searches of school property shall be made in the presence of a witness. After the search is completed, either the Principal, Assistant Principal or Security Officer and the witness will sign a dated statement attesting to what was found. A copy of the signed statement will be forwarded to the Superintendent of Schools. Discovery of illegal or dangerous materials shall be reported to the office of the Superintendent of Schools immediately.

Circumstances Under Which A Search May Be Conducted

A. Student Search

According to a decision of the United States Supreme Court, a student may be searched if there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated either the law or the rules of the school. Wallets, purses, handbags, brief cases, pockets, gym bags, or other student effects are also subject to being searched and are subject to the same rule.

The searches should be conducted in a manner reasonable 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 infraction.

1. Strip Search

School personnel shall not conduct "strip searches" of students. (A strip search are those searches that require students to remove their clothes or require the inspection or feeling of parts of the student's bodies.) When it is believed that such a search is warranted due to the magnitude of the suspected criminal offense and the nature of the circumstances, the Principal or Assistant Principal shall call the parents of the student involved and report his/her suspicions to the police who shall be responsible for any such search.

Students

Search and Seizure (continued)

Circumstances Under Which A Search May Be Conducted (continued)

2. Group Searches

All searches of students or their effects must be particularized. As group searches generally lack the grounds of particular suspicion of wrongdoing, they will not be permitted.

B. School Property

Student lockers, desk and other such property are provided for the temporary convenience of the students, and remain the property of the school. Lockers and other such school property are subject to examination at any time there is a reasonable suspicion that they contain prohibited or illegal items. Such property is also subject to being searched if there is a reasonable suspicion that the search will turn up evidence that the student has violated either the law or the rules of the school. (Prohibited items shall include, but are not limited to the following: firearms, weapons, explosives, poisons, alcohol, drugs, stolen property or other materials which may endanger the safety of persons or property in the school).

Notice

Students shall be informed, through notice in the student handbook where such exists, and through suitable announcements at the beginning of each year, and as deemed necessary during the year, of the Board's search and seizure policy.

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

Policy adopted: July 12, 2004

HAMDEN PUBLIC SCHOOLS
Hamden, Connecticut

Students

Search and Seizure

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 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 school board 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 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.

Students

Search and Seizure (continued)

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 school board 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.
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.

Students

Search and Seizure

Lockers and Other School Property (Desks) (continued)

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.

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.

Students

Search and Seizure

Student Searches (continued)

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 patdown of student clothing. Frisk or patdown searches shall be conducted by a member of the same sex as the student and in the presence of another staff member.
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.
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.

Students

Search and Seizure

Student Notification

Students shall be informed annually that Board policy allows student search and school desk/locker search.

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.

Regulation approved: July 12, 2004

HAMDEN PUBLIC SCHOOLS
Hamden, Connecticut