

## **Students**

### **Search and Seizure**

#### **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 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 contraband material.
2. The probable presence of contraband material poses a serious threat to the maintenance of discipline, order, safety and health in the school.
3. The student has been informed in advance that school board policy allows desk and lockers 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.

#### **Student Search**

A student may be searched if 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. 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 student and the nature of the infraction.

**Legal Reference:** Connecticut General Statutes

10-221 Boards of education to prescribe rules.

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

**Policy adopted:** August 14, 1995

**NEW HAVEN PUBLIC SCHOOLS**  
New Haven, 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**

#### **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.

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#### **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 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.

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#### **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.

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#### **Student Searches (continued)**

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.

#### **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: August 14, 1995

NEW HAVEN PUBLIC SCHOOLS  
New Haven, Connecticut

**Students**

**Search and Seizure**

**Student Interrogations, Searches and Arrests**

1. What factors cause you to have a reasonable suspicion that the search of this student or his or her effects, locker or automobile will turn up evidence that the student has violated or is violating the law or the rules of the school?

A. Eyewitness account:

1. By whom: \_\_\_\_\_
  2. Date/time: \_\_\_\_\_
  3. Place: \_\_\_\_\_
  4. What was seen: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

B. Information from a reliable source.

1. From whom: \_\_\_\_\_
  2. Time received: \_\_\_\_\_
  3. How information was received: \_\_\_\_\_
  4. Who received the information: \_\_\_\_\_
  5. Describe information: \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

C. Suspicious behavior. Explain: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

D. Time of search: \_\_\_\_\_

E. Location of search: \_\_\_\_\_

F. Student told purpose of search: \_\_\_\_\_

G. Consent requested: \_\_\_\_\_

**Students**

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**Student Interrogations, Searches and Arrests (continued)**

2. Was the search you conducted reasonable in terms of scope and intrusiveness?
- A. What are you searching for: \_\_\_\_\_
  - B. Sex of the student: \_\_\_\_\_
  - C. Age of the student: \_\_\_\_\_
  - D. Exigency of the situation: \_\_\_\_\_
  - E. What type of search is being conducted: \_\_\_\_\_
  - F. Who is conducting the search: \_\_\_\_\_  
Position: \_\_\_\_\_  
Sex: \_\_\_\_\_
  - G. Witness(es): \_\_\_\_\_
3. Explanation of Search.
- A. Describe the time and location of the search: \_\_\_\_\_
  - B. Describe exactly what was searched: \_\_\_\_\_
  - C. What did the search yield: \_\_\_\_\_
  - D. What was seized: \_\_\_\_\_
  - E. Were any materials turned over to the police: \_\_\_\_\_
  - F. Were parents notified of the search, including the reason for it and the scope: \_\_\_\_\_  
\_\_\_\_\_

5/94

cc: Director of Security  
Executive Director of Pupil Personnel Services  
Supervisor of Instruction