

Students

Search and Seizure

Desks and School Lockers

Desks and school lockers are property of the schools for temporary use by students. With reasonable concern for students' Fourth Amendment rights, school Administrators or designees may inspect student desks and lockers to safeguard students, their property, and school property. The exercise of the right to inspect also requires protection of each student's personal privacy and protection from coercion. Students shall be notified in advance that Board of Education policy allows desks and lockers to be searched as provided in this policy.

School administrators, and/or law enforcement officials authorized by school administrators, may search student lockers and other school property for weapons, contraband, or the fruits of a crime under the following circumstances:

1. When the school administrator believes that the search is justified at its inception and is reasonably related in scope to the circumstances which justified it;
2. There are reasonable grounds to believe that the search will reveal evidence that a student has violated or is violating either school rules or laws.

Personal Searches

The U.S. Supreme Court has unanimously affirmed that Fourth Amendment rights to be free from unreasonable searches and seizures apply to searches conducted by public school officials. However, students may be searched if:

1. 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," and
2. The search is "reasonable relating 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."

Personal searches of students and searches of student property shall be limited to the search of purses, knapsacks, book bags, and the like; outer coats and jackets, footwear, belts, pockets, hair, hats, and automobiles.

Legal Reference: Connecticut General Statutes
 10-221 Boards of Education to Prescribe Rules
 PA 94-115 An Act Concerning School Searches
New Jersey v. TLO., 469 U 325; 105S. CT 733

Policy adopted: December 11, 2006 AMITY REGIONAL SCHOOL DISTRICT NO. 5
 Woodbridge, Connecticut

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Use of Dogs to Search School Property

The Amity Board of Education believes its schools provide a safe and orderly environment in which to learn. The Board is confident that the administration acts diligently to implement Board of Education policies geared to bar illegal substances from school and to respond to situations in which illegal substances are detected. Given the prevalence of illegal substances among the youth population in our society, the Board wants to convey a strong message to the community, faculty, staff, and student body concerning the use or possession of illegal substances within the Amity Regional School District.

When the Superintendent determines that the existence of illegal substances is creating a disruption of the educational environment, the Superintendent may invite the appropriate police authority to search school property with dogs trained for the purpose of detecting the presence of illegal substances. The purpose of such a search shall be to protect the health and safety of students, employees or property and to detect the presence of illegal substances. The use of trained drug sniffing dogs is subject to the following:

1. The Superintendent shall contact the appropriate police authority who will conduct the search using a properly trained drug-sniffing dog (not a general police k-9) handled by a specially trained officer. The Principal or his/her designee shall be present while the search is taking place.
2. Parents and students shall be notified of this policy through its inclusion in the student and/or parent handbook.
3. All school property such as lockers, classrooms, parking areas and storage areas may be searched.
 - a. Dogs shall not be used in rooms occupied by persons except for demonstration purposes with the handler present.
 - b. When used for demonstration purposes, the dog may not sniff the person or any individual.
4. Individual(s) shall not be subject to a search by dogs.
5. Once notification has been given to parents and students, through the inclusion of the policies in the student and/or parent handbook, the school district will have met its obligation to advertise the searches. Additional notices need not be given and actual times or dates of planned searches need not be released in advance.

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Use of Dogs to Search School Property (continued)

6. Only the dog's official handler will determine what constitutes an alert by the dog. If the dog alerts on a particular item or place, the student having the use of the item or place or responsibility for it shall be called to witness the search. If a dog alerts on a locked vehicle, the driver shall be asked to unlock it for inspection.
7. Law enforcement agencies will be given full authorization to investigate and prosecute any person(s) found to be responsible for illegal substance(s) on school property.

(cf. – 5145.12 Search and Seizure)

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: 5-12-2008