Search and Seizure

The Bethany Board of Education (Board) seeks to ensure a learning environment that protects the health, safety, and welfare of students and staff. To assist the Board in attaining these goals, Bethany Public School District (District) officials may, subject to the requirements below, search a student's person or property, including property assigned by the District for the student's use. Such searches may be conducted at any time on District property or when the student is under the jurisdiction of the District at school-sponsored activities.

All searches for evidence of a violation by the District shall be subject to the following requirements:

1. The District official shall have individualized, "reasonable suspicion" to believe evidence of a violation of law, Board policy, administrative regulation, or school rule is present in a particular place.
2. The search shall be "reasonable in scope," meaning that the measures used are reasonably related to the objectives of the search and not excessively intrusive in light of the age, sex, maturity of the student, and nature of the infraction.
3. District officials may also search when they have reasonable information that emergency/dangerous circumstances exist.

Desks, Lockers, and Other Storage Areas

Desks, school lockers, and other storage areas are the property of the District. The right to inspect desks, lockers, and other storage areas assigned to students may be exercised by school and/or District 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 District official may search a student's desk, locker, or other storage areas under three (3) conditions:

1. There is reason to believe that the student's desk, locker, or other storage area contains the probable presence of 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(s) have been informed in advance that Board policy allows desks, lockers, and other 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.

Use of drug-detection dogs and metal detectors, similar detective devices; and/or breathalyzers and other passive alcohol screening devices may be used only on the express authorization of the Superintendent, in accordance with administrative regulations.

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 school rule.

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 the nature of the infraction.

Students may be searched by law enforcement officials on school property or when the student is under the jurisdiction of the District upon the request of the law enforcement official. Such requests ordinarily, shall be based on warrant. The principal or designee will attempt to notify the student's parent/guardian in advance and will be present for all such searches.

Strip searches shall not be conducted by District authorities. All searches by the principal or designee shall be carried out in the presence of at least one (1) other adult witness.

Legal References: Connecticut General Statutes § 10-221

New Jersey v. T.L.O., 469 U.S. 325; 105 U.S. Supreme Court 733

Safford Unified School District #1 v. Redding, U.S. Supreme Court 08-479

Policy adopted: September 9, 1991
Policy revised: May 6, 1996
Policy revised: May 13, 2015
Policy revised: June 8, 2016
Policy revised: December 9, 2020
Policy revised: May 10, 2023

Source: CABE