EASTCONN
Where Learning Comes to Life

STUDENTS
Series 5000
Policy #5021.1.1

Search and Seizure

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

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

1. EASTCONN official shall have individualized, *"reasonable suspicion"* to believe evidence of a violation of law, Board of Directors' policy, administrative regulation or school rule is present in a particular place;

2. The search shall be *"reasonable in scope."* That is 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. EASTCONN officials may also search when they have reasonable information that emergency/dangerous circumstances exist.

Desks and School Lockers

Desks and school lockers are the 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 three (3) conditions:

1. There is reason to believe that the student's desk or locker 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 the EASTCONN Board of Directors policy allows desks 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.

Use of drug-detection dogs and metal detectors, or similar detective devices may be used only on the express authorization of the EASTCONN Board of Directors and/or the EASTCONN Executive Director.

EASTCONN officials may seize any item which is evidence of a violation of law, Board of Directors' policy, administrative regulation or school rule, or which the possession or use of is prohibited by such law, policy, regulation or 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 EASTCONN upon the request of the law enforcement official. Such requests ordinarily, shall be based on warrant. The school Principal or designee will attempt to notify the student's parents in advance and will be present for all such searches.

Strip searches shall not be conducted by school authorities. All searches by the Principal or his/her designee shall be carried out in the presence of another adult witness.

Alternate position regarding strip searches:

A strip search is a search that requires a student to remove any or all of his or her clothing, other than an outer coat or jacket. If the Principal or his/her designee believes it is necessary to conduct a strip search of a student, the school official may do so only if the search is authorized in advance by the EASTCONN Executive Director or EASTCONN's attorney. The only exception to this rule requiring advanced authorization is when the school official believes there is an emergency situation that could threaten the safety of the student or others.

Strip searches may only be conducted by an authorized school official of the same sex as the student being searched and in the presence of another EASTCONN professional employee who is also of the same sex as the student. In every case, the school official conducting a strip search must have probable cause, not simply reasonable cause, to believe the student is concealing evidence of a violation of law or EASTCONN policy or rules. In addition, before conducting a strip search, the school official must consider the nature of the alleged violation, the student's age, the student's record and the need for such a search. Prior to conducting a

strip search, the Principal or his/her designee shall consider whether the contraband sought poses an element of dangerousness and if there is any indication that the contraband is being secreted in the specific place to be searched.

School officials will attempt to notify the student's parent by telephone before conducting a strip search, or in writing after the fact if the parent was unable to be reached by telephone.

Legal Reference: Connecticut General Statutes

10-221 Boards of Education to prescribe rules

New Jersey v. T.L.O., 469 US 325; 105 S.CT. 733

Safford Unified School Agency #1 v. Redding (U.S. Sup. CT 08-479)

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