

Policy 5150 (a)

Students

Search and Seizure

Search of Desks, School Lockers and Other District Provided Storage Areas

Desks, school lockers and other district provided storage areas are property of the schools, placed there for the temporary convenience of students. The right to inspect desks, school lockers and other storage areas 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.

An authorized school administrator may search a student's desk, locker and other storage areas under the following conditions:

- A. The Board of Education provides lockers, desks, gym baskets, cubbyholes and other storage areas in which students may keep and store personal belongings and materials provided by the Board of Education. Such storage areas are the property of the Board of Education.
- B. No student shall keep or store personal belongings or materials provided by the Board of Education in any storage area other than one provided by the Board of Education and designated for his/her use by the school administration.
- C. Each student shall be responsible for maintaining any storage area assigned to him/her for his/her use in an orderly and sanitary condition.
- D. No student shall keep or store in a storage area assigned to him/her for his/her use any item the possession of which is illegal or in violation of school regulations or that endangers the health, safety or welfare of self or others (such as matches, chemicals, ammunition, weapons, drugs, tobacco, alcoholic beverages, etc.).
- E. The use of lockers and other storage areas by students is a privilege. At all times such storage areas remain the property of the Board of Education. If the school administration reasonably suspects that a student is not maintaining a storage area assigned to him/her in a sanitary condition, or that the locker contains items the possession of which is illegal or in violation of school regulations or that endanger the health, safety or welfare of the student or others, the administration has the right to open and examine the storage area and to seize any such items that are found. The school administration may also authorize law enforcement officials to search lockers/storage areas.

Policy 5150 (b)

Students

Search and Seizure (continued)

- F. When required by law and otherwise at the option of the building principal, items that have been seized shall be submitted to the police department for proper disposition. Items not submitted to the police department shall be disposed of and/or returned to a student's parent or guardian as directed by the building principal.
- G. The decision to search shall be made by the principal or the principal's designee. The search shall be made in the presence of at least one adult witness. Discovery of illegal or dangerous materials shall be reported to the Superintendent.

Search of a Student and His/Her Personal Effects

Fourth Amendment rights to be free from unreasonable searches and seizures apply to searches conducted by public school officials. A student and his/her personal effects 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 way the search is conducted should 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."

An authorized school administrator may search a student's person or personal effects under the following conditions:

- A. All searches of a student's person or personal effects shall be conducted or directed by an authorized school administrator or his/her designee, in the presence of an adult witness.
- B. A search of a student's handbag, gym bag, cellular telephone, personal electronic device or similar personal property carried by a student may be conducted if there are reasonable grounds for suspecting that the search will produce evidence that the student has violated or is violating either the law or the rules of the school. A student's other personal effects are also subject to the same rule. Personal effects include motor vehicles located on school property.
- C. A search of a student's person may be conducted only if there are reasonable grounds at the inception of the search for suspecting that the search will reveal evidence that the student has violated or is violating either the law or the rules of the school. Moreover, the scope of the search shall be reasonably related to the objectives of the search and shall not be excessively intrusive in light of the age and sex of the student and the nature of the infraction.

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Students

Search and Seizure (continued)

- D. Strip searches are prohibited except when there are reasonable grounds for suspecting that such a search will produce evidence of conduct that places students, staff and school property in immediate danger. Such searches may be conducted at the request of the school principal, generally by a member of the police department. During such searches, a member of the school staff shall be present at all times as a witness, and both the police officer conducting the search and the witness shall be of the same sex as the student searched.
- E. Any evidence of illegal conduct or conduct violative of the rules of the school produced as a result of searches according to these regulations shall be subject to seizure. Where required by law and otherwise at the option of the building principal, such evidence shall be submitted to the police department for proper disposition. Evidence not submitted to the Police Department shall be disposed of or returned to a student's parent or guardian as directed by the building principal.

Use of Drug-detection Dogs, Metal Detectors and/or Breathalyzers

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 such procedures as the Superintendent may devise.

Legal Reference: Connecticut General Statutes

Section 10-221, Boards of Education to prescribe rules.

Section 54-33n, Searches

New Jersey v. T.L.O.; 469 U.S.325 (1985).

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WATERFORD PUBLIC SCHOOLS
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