

Students

Student Search and Seizure

The school administration is authorized to search any student locker or desk, and any student automobile located on school premises, for weapons, contraband or the fruits of a crime when there are reasonable grounds for suspecting that the search will produce evidence that the student has violated the law or school rules.

No Expectation of Privacy in Use of School Property

Desks, lockers and other such property owned by the Board of Education are provided for use by students solely to support the educational experience. Although students are given use of these items, the Board retains access and control of all school property and may inspect the interior condition of desks and lockers for proper maintenance, health, safety and other administrative purposes. Inspections of school property may be accomplished with or without advance notice to students. Students should have no expectation of privacy in the use of desks, lockers and other similar school property. School officials may not use periodic inspections of school property as a pretense to search an individual student's locker or desk

When and How School Officials May Conduct Searches

The school administration also is authorized to search a student's person where there exist reasonable grounds for suspecting the search will produce evidence that the student has violated or is violating the law or school rules. The search of a student's person includes a search of a student's clothing and personal effects. Under no circumstances shall school district personnel conduct a "strip" search of a student. In the event that a student is reasonably suspected of concealing evidence of criminal activity that can be obtained only by removal of clothing and the student refuses to deliver such evidence, the assistance of the police shall be obtained.

Any search of a student's desk or locker or of a student's person shall be reasonably related in scope to the circumstances that justified the search in the first place. The scope of the search is reasonable when the measures adopted are 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. A search of a student's person shall be conducted by a person of the same sex as the student and in the presence of a witness of the same sex of the student.

1. Only the Principal or designee shall be responsible for determining whether or not a search shall be conducted of a student's person or personal property.

The Principal should consider involving the appropriate law enforcement officials.

2. When deemed appropriate, the Principal should consider the proper involvement of the lawful custodian of the student.

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When and How School Officials May Conduct Searches (continued)

3. A second staff member shall be present during a search of either a student or a student's personal property.
4. The seizure or confiscation of items located in property in a student's immediate possession and/or on a student's person shall be accomplished in the following manner:
 - a. The seizure shall be witnessed by the student and a second staff member.
 - b. The search shall be conducted as discreetly as possible and in private.
 - c. Each and every item seized must be identified and not commingled with other items previously or subsequently seized.
 - d. The Principal shall prepare a summary report identifying the item(s) confiscated. The report should include the facts upon which reasonable suspicion was based, where the search occurred, the reason for the seizure, who was present, time, and the disposition of item(s).
 - e. A copy of the summary report shall be given to the student and/or lawful custodian(s) of the student.

Vehicle Searches on School Grounds

Vehicles brought on school grounds by students are subject to the same criteria for searches as students' personal belongings. Refusal by a student, parent or guardian, or owner of the vehicle to allow access to a motor vehicle on school premises at the time of a request to search the motor vehicle will be cause for termination of the privilege of bringing a motor vehicle onto school premises.

Seizure of Property Belonging to Student

School personnel may temporarily take control of property belonging to a student (including items such as a cell phone or other electronic device) when the student's use or possession of such property violates school rules or is otherwise disruptive of the educational process. Items taken from students should be made available for return to the student or the student's parent or legal guardian as soon as feasible or upon the conclusion of disciplinary proceedings associated with the item(s). Any illegal substance, weapon, item that may not be legally possessed by a student or other "fruit of a crime" that is confiscated from a student or discovered in an inspection of school property or search may be turned over to law enforcement officials.

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Notice

Students shall be notified annually of this policy by publication in student handbooks and in any other manner that the Superintendent of Schools may deem effective.

Legal Reference: Connecticut General Statutes

10-221 Boards of education to prescribe rules

54-33n, Search of School Lockers and Property

Case Law

New Jersey v. T.L.O., 469 US 325; 105 S.Ct.733 (1985)

Safford Unified Sch. Dist. # 1 v. Redding, 129 S. Ct. 2633 (2009)

Policy adopted: June 12, 2001
Policy revised: June 24, 2004
Policy revised: June 12, 2007
Policy revised: June 11, 2013

NEW MILFORD PUBLIC SCHOOLS
New Milford, Connecticut