

Students

Search and Seizure

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Desks and School Lockers: Desks and school lockers are the property of the schools provided for temporary use by students. School principals or designees may inspect student desks and lockers to safeguard students, their property, and school property. 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, 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 circumstances justify the search;
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."

Legal Reference:

Connecticut General Statutes

10-221 Boards of Education to prescribe rules.

P.A. 94-115 An Act Concerning School Searches (Effective 10/1/94)

New Jersey v. TLO., 469 U.S. 325; 105S. CT. 733

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Checklist

The following should serve as a guideline should any searches such as those described on page one (1) be undertaken. It is recommended that a record be made of each of the following:

1. What factors cause you to have a reasonable suspicion that the search of this student or his or her effects, locker, or automobile will turn up evidence that the student has violated or is violating the law or the rules of the school? Documentation of the following details is required:
 - a. if eyewitness account:
 1. by whom
 2. date/time
 3. place
 4. what was seen
 - b. if information from a reliable source:
 1. from whom;
 2. time received;
 3. how information was received;
 4. who received the information;
 5. description of information
 - c. if suspicious behavior, explain:
 1. time of search
 2. location of search
 3. student told purpose of search
 4. consent requested
 5. consent given

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Checklist - continued

2. Was the search you conducted reasonable in terms of scope and intrusiveness?
 - a. What were you searching for?
 - b. Gender of the student
 - c. Age of the student
 - d. Exigency of the situation
 - e. What type of search is being conducted?
 - f. Who is conducting the search?

Position:

Gender:
 - g. Witness(es):
3. Explanation of Search:
 - a. Time and location of the search
 - b. Describe exactly what was searched.
 - c. What did the search yield?
 - d. What was seized?
 - e. Were any materials turned over to the police?
 - f. Were parents notified of the search, including the reason for it and the scope?