

SEARCH AND SEIZURE

Students have the right to be free of unreasonable searches and seizures under the Fourth Amendment of the Constitution. Balanced against this right is the school officials' responsibility to create and maintain an environment consistent with the school's educational mission. School officials have a duty to protect the health, safety and welfare of all students under their authority.

Students are prohibited from bringing to school contraband, defined below, or other items or substances that could disrupt the educational function of the school.

Definitions

"Contraband" refers to those items that students are prohibited from possessing or using on school property by federal or state law, Board policy or school regulation.

"Reasonable suspicion" means sufficient knowledge is possessed by the District official at the time the official makes or authorizes the search that would lead a reasonable person to believe that a search of a particular student or place may turn up evidence of a violation of law, Board policy, administrative regulation or school rule. The official's knowledge may be based upon relevant past experience of the official, observation by the official, and/or credible information from another person.

"Past experience" may provide the District official with information relevant to the suspected violation as well as information that enables the official to evaluate the credibility of information from another person.

"Credible information from another person" may include information that the District official reasonably believes to be true that was provided by another District employee, a student, law enforcement personnel, a government official or other person.

"Reasonable in scope" means that the manner and extent of the search are reasonably related to the objectives of the search, limited to the particular student or students most likely to be involved in the suspected infraction, and not excessively intrusive in light of the student's age, sex, maturity or nature of the suspected infraction.

Emergency Situations

Credible situations that potentially put the safety of students or school staff at risk or could result in substantial damage to school property constitute sufficient reasons for school officials or law enforcement personnel to conduct a thorough search of (1) all school property and/or (2) vehicles located on school grounds and/or (3) individuals and their personal property. A bomb threat is an example of such an emergency. In responding to such an emergency or potentially dangerous circumstance, the actions of school officials shall be reasonably effective and not more intrusive than necessary.

Evidence of Criminal Misconduct

The Ledyard Police may be informed in the event that any search conducted pursuant to this policy uncovers evidence of potential criminal misconduct.

Searching Desks, Lockers and Other Storage Spaces

Desks, school lockers and other storage spaces are provided to students for their convenience. These storage areas remain the property of Ledyard Public Schools and, as such, are subject to routine periodic inspections by school personnel to confirm that these storage areas are being used appropriately in a manner consistent with maintaining the health and safety of all students.

Additionally, these storage areas may be searched for contraband under the conditions specified herein.

The building Principal, or his/her designee, shall maintain an accurate list of all locker and other storage space assignments and either a master key or combination to all lockers.

At the time a student is assigned a locker or other storage space, he/she will be informed that school officials are empowered to conduct random periodic inspections of school lockers and other assigned storage spaces. Students will also be informed of the following requirements:

1. Students are responsible for the contents of their locker and any other storage space assigned to them.
2. Students are to keep their assigned lockers and other storage spaces locked when not in use.
3. Students are not to give other students access to their lockers or any other assigned storage spaces.

The right to inspect desks, school lockers and other storage spaces assigned to students may be exercised by school officials to safeguard students and their property, school employees, and school property with reasonable care for the Fourth Amendment rights of students. The exercise of this right to inspect desks, school lockers and other storage spaces also requires protection of each student's personal privacy and protection from coercion. An authorized school administrator or teacher may search a student's desk, locker or assigned storage space under three conditions:

1. There is reason to believe that the student's desk, locker or other assigned storage space contains contraband material.
2. The reasonable 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 or other assigned storage spaces 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.

The search of a student's locker or other assigned storage space will be conducted in the presence of another staff member.

District officials shall seize any item that is evidence of a violation of law, Board policy, administrative regulation or school rule, or for which the possession or use is prohibited by law, Board policy, administrative regulation or school rule.

Health and Safety Inspections

Student lockers and storage spaces may be opened and inspected to ensure that they are being used for the purpose for which they were provided to the students and that the contents do not present a risk to the health and safety of other students and staff members without specific indication that a potential violation of law, Board policy, administrative regulation or school rule exists. During a health and safety inspection, the contents of the locker or storage space may not be searched through unless there is indication of a potential violation of law, Board policy, administrative regulation or school rule. In such instances, the previous guidance stated in this policy on conducting searches shall then be followed.

Student Search

Students and their personal property may be searched by the building Principal, or his/her designee, in the presence of an adult witness if there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated or is violating federal or state law, Board policy, administrative regulations or school rules. The scope of the search must 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.

Students and their personal property may be searched by law enforcement personnel on school property.

School officials are not authorized to conduct strip searches. Students may be required to remove a coat, jacket or similar outer garment and remove shoes and socks if such actions are reasonable in scope based on the suspected contraband that is the target of the search. If the building Principal is convinced that a more intrusive search is required to expose contraband, he/she should contact the Ledyard Police.

Searches may include, if school officials believe necessary, a frisk or pat down of a student's clothing. Frisk or pat down searches shall only be conducted by a staff member who is of the same sex as the student and in the presence of another staff member. Where the object of the search may be felt by a pat down of the student's clothing or personal property, the school official may first pat the student's clothing or personal property in an attempt to locate the item(s) of contraband or focus of the search before searching inside the student's clothing or personal property.

A search of a group of students and/or their personal property where no particular student is suspected may only be conducted if there is a reasonable suspicion of misconduct that is immediately harmful to students, staff or school property.

Use of Dogs for Searches on School Property

The Board shall permit the administration to invite law enforcement agencies or other qualified agencies or individuals to search school property with dogs trained for the purpose of detecting the presence of illegal substances when necessary to protect the health and safety of students, employees or school property, and to detect the presence of illegal substances or contraband, including alcohol and/or drugs. The use of trained contraband detection dogs is subject to the following:

1. The Superintendent shall authorize the search, and the building Principal, or his/her designee, shall be present while the search is taking place.
2. All school property, such as lockers, classrooms, parking areas and other storage areas, may be searched.
3. Dogs shall not be used in rooms occupied by persons except for demonstration purposes with the handler present.
4. Individuals will not be subjected to a search by dogs.
5. Only the dog's official handler will determine what constitutes an alert by the dog. If a dog alerts on a locked vehicle, the student who brought the vehicle onto District property will be asked to unlock it for inspection following the guidance previously specified herein.
6. Law enforcement agencies will be given full authorization to investigate and prosecute any person(s) found to be responsible to illegal substance(s) on school property.

Vehicle Searches on School Grounds

The privilege of bringing a student-operated motor vehicle onto school premises is hereby conditioned on consent by the student driver to allow the search of that motor vehicle when there is reasonable suspicion.

The act of bringing a motor vehicle upon school premises will allow school officials to presume consent by the student, parent or guardian, or owner of the vehicle for a search of that vehicle. 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, without further hearing, of the student's privilege of bringing a motor vehicle onto school premises.

The building Principal, or his/her designee, may request that law enforcement personnel search a motor vehicle on school premises, subject to the provisions of this policy.

Lost or Abandoned Items

Lost or abandoned items will be inspected by school officials.

Documentation

Administrators shall document all searches conducted in Ledyard Public Schools that result in disciplinary action. The documentation shall specify the following:

- Name, age and sex of the student involved;
- Time, date and location of the search;
- Justification for the search and nature of reasonable suspicion (suspected violation of law, Board policy, administrative regulation or school rule and supporting evidence);
- Type and scope of search (specifically what was searched);
- Results of the search, contraband material(s) found, disposition of the material(s) seized, and the discipline imposed;
- Name of the staff member witnessing the search; and
- Name of the school official conducting the search.

Notification

The building Principal, or his/her designee, shall attempt to notify the parents/guardians of any student who is the subject of a search conducted on school property by either school officials or law enforcement personnel.

Students and their parents or guardians will be informed annually, at the start of the school year and when a student registers in the District for the first time, of the requirements of this policy and its attendant regulations through inclusion in student and parent handbooks.

This notification specifically informs students and their parents/guardians in advance that Board policy allows desks, lockers and other assigned storage spaces to be inspected if the school administration has reason to believe that materials injurious to the best interests of students and the school are contained therein. Furthermore, notice is also provided that trained contraband-detection dogs may be used for searched on school property during the school year.

Legal References:

Connecticut General Statutes

10-221. Boards of Education to prescribe rules, policies and procedures.

54-33n. Search of school lockers and property.

New Jersey v. T.L.O., 53 U.S.L.W. 4083 (1985)

Policy adopted: June 7, 1995
Revised: December 15, 2010

Ledyard Public Schools
Ledyard, Connecticut