



CONSOLIDATED SCHOOL DISTRICT OF NEW BRITAIN

Board Policy Statement

5145.12 - Student Search and Seizure

Approved on November 17, 2014

The Board of Education, while recognizing that students are entitled to the guarantees of the fourth amendment's freedom from unreasonable search and seizures, also recognizes the need for school officials to maintain security and order in schools.

A search of a student's person, personal property or school depositories (lockers, desk, etc.) may be conducted when there is reasonable suspicion to believe that student may be in possession of prohibited items. Those prohibited items as used in this policy statement shall include the following: firearms, knives or other weapons, explosives, poisons, alcoholic beverages, drugs, stolen property, and other materials, which endanger the physical safety of persons or property, or may be in violation of school policy or law.

A student may be searched if there are reasonable grounds for suspecting that the search will turn up evidence that the student has violated either the law or the rules of the school. A particular student's effects also are subject to being searched by school officials and are subject to the same rule. Effects may include automobiles located on school property.

The scope of the search conducted pursuant to this policy 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.

On genera, all searches require individualized suspicion. Group, mass or random searches generally lack particularized suspicion and will not be permitted.

Use of drug detection dogs and scanners/metal detectors may be used in the manner established by the Superintendent in the attached procedures.

This policy shall be distributed annually to the parents/guardians of each student.

Legal References/Citations

Fourth Amendment, United States Constitution

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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I. Overview

In all cases where searches are conducted, the school principal, or his/her authorized designee, shall be present, with at least one witness other than the student.

All searches must be justified at their inception. A general suspicion that a student is “doing something wrong” may not justify a search nor can searches be initiated based upon speculation or conjecture. A search continues to be justified if it is reasonably related to the basis for the suspicion.

School officials can rely on tips from informants. While officials may use information received from anonymous sources, caution must be exercised. All information received from informants must, based upon a totality of the circumstances, be reliable and the administrator’s reliance on such must be reasonable. Factors to be considered in determining whether or not a tip is reliable include: relationship to a known or suspected problem at the school, the source (parent, citizen, student, etc.), detailed nature and accuracy of the information, basis in personal/first-hand knowledge, nature of the alleged infraction and clear identification of the student alleged to be involved in the misconduct.

If the school officials conclude that a more intrusive search is needed, they shall call the parents of the student involved and report their suspicion to the police, who shall be responsible for any such search. School officials shall not conduct such searches.

Prohibited items found during a search shall be held by the school principal if needed as evidence, unless the items are illegal or controlled substances.

II. Student Lockers, Desks and Other Depositories

The Board of Education provides lockers, desks, gym baskets and other depositories in which students may keep and store personal belongings and materials provided by the Board of Education.

No student shall keep or store personal belongings or materials provided by the Board of Education on any depository other than the one provided by the Board of Education and designated for the student’s use by the school administration.

Each student shall be responsible for maintaining any depository assigned to the student for the student’s use in an orderly and sanitary condition.

No student shall keep or store in such assigned depository any item the possession of which is illegal or in violation of school regulations or which endangers the health, safety or welfare of staff or others (such as matches, chemicals, ammunition, weapons, drugs, alcoholic beverages, etc.)

The use of depositories by pupils is a privilege. At all times they remain the property of the Board of Education and a student should not expect privacy regarding items placed in school property. The school administrator has the right to open and examine any depository at any time.

III. Scanners

When metal scanners are used to conduct searches under this policy, the following procedures will be followed:

A. Authorized Users

The only authorized users of scanners are the school Principal, Associate Principal, housemaster or assistant principal, and school security guards Campus Safety Officers who have received training on the use of the scanner.

B. Protocol for Use

At least two persons will conduct the search using a scanner. One person must be an administrator with a second person as a witness. In all cases, one of the two persons must be of the same sex as the person being searched. If the beeper sounds during a scanning of the student, the student will be asked to identify the item(s). A small tray or basket will be available for this purpose. The Individual is then scanned again. If no beeping sound occurs, all acceptable items are returned to the individual. However, if the beeping continues when scanned a second time, a more intrusive search will be conducted as outlined in the general section of this administrative procedure.

C. Time of Use

During regular academic curricula session, scanners will be used based upon reasonable suspicion as specified in this policy. Students may be subject to screening via hand held metal detection wands at school functions outside of the regular academic day, such as dances, sporting events, etc. A student who refuses to be searched will not be permitted to attend the extracurricular event.

D. Security of Scanners

The scanners will be kept in the administrative office(s) of the principal and Associate/Assistant principals/housemasters. The scanners will be secured at all times. The scanners presence and operation will be checked on a regular basis.

IV. Use of Dogs 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 specially trained when necessary to protect the health and safety of students, employees or property, and for the purpose of detecting the presence of illegal substances or contraband, including alcohol and/or drugs. The use of trained detection dogs is subject to the following:

- A. The Superintendent shall authorize the search and the Principal or his/her designee shall be present while the search is taking place.
- B. All school property such as lockers, classrooms, parking areas and storage areas may be searched.
- C. Dogs shall not be used in rooms occupied by persons except as part of a program designed to inform students/parents of the capabilities of the dogs. Individual(s) shall not be subjected to a search by dogs.

- D. Parents and students shall be notified of the Board's policy concerning search and seizure and this regulation, which shall be publicized to students. Specific dates of planned searches need not be released.
- E. When conducting a search of an individual or his/her effects based upon a dog's signal, the Principal or his/her designee shall conform to the requirements of the Board's policy and regulation pertaining to searches of a student, his/her effects and/or locker searches.
- F. The Administration of the District shall have sole authority for determining internal disciplinary action in regard to illegal substances or contraband on school property.
- G. Although detection dogs may be under the control of law enforcement agencies, the Superintendent shall have sole determination as to when a sweep of school property will be conducted.
- H. When detection dogs are employed, the school should follow standard protocol for a lockdown procedure prior to the dogs and their handlers entering the building.

V. Reporting

Where police intervention was is necessary, the Superintendent of Schools and the student's parents/guardians will be notified. If the student is receiving special education, the Director of Pupil Services will also be notified.