

Students**POLICY REGARDING SEARCH AND SEIZURE**

1. Search of a Student and His/Her Effects
 - A. Fourth Amendment rights to be free from unreasonable searches and seizures apply to searches conducted by public school officials. A student and his/her 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."
2. Search of a Locker, Desk and Other Storage Area
 - A. Lockers, desks and other storage areas provided by the school system for use by students are the property of the school system. Such storage areas are provided for the temporary convenience of students only. The Board of Education authorizes the administration and/or law enforcement officials to search lockers and other school property available for use by students for the presence of weapons, contraband or the fruits of a crime 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.
 - B. If the school administration reasonably suspects that a pupil is not maintaining a locker or other storage area assigned to him/her in a sanitary condition, or that the storage area contains items the possession of which is illegal or in violation of school regulations or that endangers the health, safety or welfare of the student or others, it has the right to open and examine the storage area and to seize any such items that are found.
 - C. 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 as directed by the building principal.
3. The decision to search pursuant to sections 1 and 2 above shall be made by the principal or the principal's designee. The search shall be made in the presence of at

least one witness. Discovery of illegal or dangerous materials shall be reported to the Office of the Superintendent.

4. 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, visitors, 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 may only be authorized by the Superintendent of schools and is subject to the following:

- A. 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, fields, maintenance 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, guardians, 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 and sweeps 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 use of dogs to search inside of a school building as noted above is only authorized if there are (1) 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 or (2) protect the health and safety of students, employees, visitors, or property.
 - G. The use of dogs to conduct sweeps of school grounds, including parking lots, fields, and other outdoor facilities is permitted for the purpose of detecting the presence of illegal substances or contraband, including alcohol and/or drugs. Such sweeps may occur even if there are not reasonable grounds at the inception of the sweep 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. Such sweeps may also occur to protect the health and safety of students, employees, visitors, or property.
6. Although detection dogs may be under the control of law enforcement agencies, the Superintendent of Schools shall have sole determination as to when a sweep of school property will be conducted.

Legal References:

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)

Policy Adopted: August 21, 1995
Policy Revised: September 17, 2007
Policy Revised: February 26, 2018

WESTON PUBLIC SCHOOLS
Weston, Connecticut

Students

ADMINISTRATIVE REGULATION REGARDING SEARCH AND SEIZURE

1. Search of a Student and His/Her Effects
 - A. All searches of students shall be conducted or directed by an authorized school administrator, i.e., the principal or assistant principal, in the presence of a witness.
 - B. A search of a student's handbag, gym bag 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 effects are also subject to the same rule. Effects may 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. Breathalyzers may be used to conduct searches to the extent authorized by Board policy.
 - D. Strip searches are prohibited except when there are reasonable grounds for suspecting that such a search will produce evidence of conduct which places students, staff or 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 as directed by the building principal.

2. Search of a Locker, Desk and Other Storage Area
 - A. The Board of Education provides lockers, desks, gym baskets and other storage areas in which pupils 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 pupil 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 pupil shall be responsible for maintaining any storage area assigned to him/her for his/her use in an orderly and sanitary condition.
 - D. No pupil 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, e-cigarettes, vapor products, alcoholic beverages, etc.).
 - E. The use of lockers and other storage areas by pupils 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 pupil 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 endangers the health, safety or welfare of the student or others, it has the right to open and examine the storage area and to seize any such items that are found. The school administration may authorize law enforcement officials to search lockers/storage areas in accordance with Board Policy 5145.12, Section 2(A).
 - 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 as directed by the building principal.

Legal References:

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)

Regulation Adopted: April 15, 2002
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