

Policy 6.012. Student Search and Seizure

Each student is entitled to a reasonable expectation of privacy with respect to his/her person, locker or desk consistent with the welfare of the school community, state statutes and principals of constitutional law.

Recognizing that the welfare of persons in the school community and the protection may require the search of a student's person, locker or desk, the Executive Director shall prepare guidelines for professional staff regarding such searches on school property.

Reference: Connecticut General Statutes §54-33n (Search of School Lockers and Property)

ADOPTED: June 1, 2000

Policy 6.012A. Procedure – Student Search and Seizure

The Executive Director, school administrator, and law enforcement officials are authorized to search a student's person or personal effects, such as a purse, or book bag, or of a student's desk or lockers, and any other school property available for use by students, for weapons, contraband or the fruits of a crime when 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 school rules.

Any search pursuant to this policy shall be reasonably related in scope to the circumstances that justified the search in the first place. The scope of such a search shall be considered reasonable when the measures adopted are reasonably related to the objectives of the search and are not excessively intrusive in light of the age and sex of the student and the nature of the infraction.

Appendix A

STUDENT: SEARCH AND SEIZURE REGULATIONS

A. Locker and Desk Searches: The C.E.S. Representative Council provides lockers, storage areas and desks as depositories for students' personal belongings and school-related materials. Students are required to store personal belongings and school-related materials exclusively in their desks or lockers/storage areas but have no privacy interest in their desks or lockers/storage areas. The Representative Council, through the C.E.S. school administration, maintains ultimate control over all student desks and lockers/storage areas.

Consistent with Connecticut Education law, the Representative Council authorizes C.E.S.' administration to perform searches of student desks, lockers/storage areas or other school property available for use by students if: 1) there is reasonable grounds for suspecting the search will turn up evidence that the student has violated or is violating either the law or the rules of the school; 2) the measures adopted to conduct the search are reasonably likely to produce evidence of a violation; and 3) the physical safety of members of the school community or the prevention of disruption to school operations warrant such action.

Students shall be responsible for maintaining desks and lockers/storage areas in an orderly and sanitary condition. The Representative Council, through the C.E.S. school administration, maintains ultimate control over all desks and lockers/storage areas. Consequently the school administration may open and examine any desk or locker/storage area when the physical safety of members of the school community or the prevention of disruption of school operations warrants such action.

B. Student Searches: In order to maintain safety in C.E.S. programs it may be necessary to conduct a search of the personal property or clothing of any student suspected of concealing any weapon, illegal substance or other dangerous object or material or other fruits of a crime. The program administrator or his/her designee is authorized to search a student's personal property or clothing where there exists reasonable grounds for suspecting the search will produce evidence that the student has violated or is violating either the law or school rules. This type of search can occur when reasonable suspicion exists and may include a search of student's book bag, lunch bag, other personal belongings or outer clothing garments. Every effort will be made to encourage the student to cooperate with such a search. If the student becomes non-compliant, the clinical staff may be engaged to encourage the student to comply. If resistance persists, local police intervention may be requested to assist with such a search.

In cases of a proposed search of a student's person such a search will be limited to a "frisking" or "pat down". When feasible, the Division Director or Program Administrator will be consulted prior to a search of this kind. The administrator or his/her designee shall

be expected to use sound professional judgement in deciding whether a search should be conducted. This form of search will only be conducted in a private area when deemed feasible and shall only be conducted by a clinical or certified staff member of the same sex of the student and in the presence of a second person of the same sex (if possible). Whenever possible the program administrator should be present.

In exercising a judgement to conduct such a search, the administrator or his/her designee shall determine whether such a search would be intrusive in light of the student's age and the nature of the infraction/suspected infraction. The student will initially be asked to empty the contents of all pockets, remove shoes/socks or his/her coat and turn their pockets inside out. If they fail to comply, the staff member conducting the search may press his/her hands against the pockets to check for suspected objects. Additionally, the cuffs of the student's pants may be checked and/or the student's shoes/socks or coat may be removed.

Every effort will be made to encourage the student to cooperate with such a search. In addition, whenever possible a student's parents will be advised prior to conducting such a search. If the student becomes non-compliant or resistant, the local police may be contacted to assist with such a search.

A search of a student which is more intrusive than a "frisking/pat down", shall be conducted only when there exists a potential threat to the physical safety of the student or other members of the school community and/or there exists reasonable grounds that the search will turn up evidence that the student has violated or is violating C.E.S. policies or the law pertaining to the possession of weapons, dangerous objects, illegal substances or similar contraband. In such instances the local police will be contacted to assist the program administrator or his/her designee with the search. In addition, whenever possible a student's parents will be advised prior to conducting such a search.

In cases of a search of the student's belongings or person, an appropriate incident report shall be completed within one (1) school day of the event detailing the specific violation, the activities undertaken, all persons involved and the outcome of the search. The student's parent(s) will be contacted by telephone to explain the circumstances leading to the search as well as other pertinent information about the search. When deemed necessary, a meeting with the student's parent(s) will be arranged to help form a plan to prevent future issues and if necessary formulate a plan for including regular searches in the treatment plan for that student.