

## **Students**

### **Students Search and Seizure**

Students are protected from unreasonable searches and seizures under the guarantees of the Fourth Amendment.

School/program administrators may search students and/or their effects only when they have reasonable suspicion that the search will lead to evidence of a violation of law, CREC policy, administrative regulation or school/program rule. School/program administrators may detain students when the seizure is reasonable at its inception and it is reasonably related to the incident that prompted the seizure.

Students and/or their effects (such as bookbag, purse, cell phone, or automobile) may be searched if there is reasonable suspicion that the search will turn up evidence of a violation of law, CREC policy, administrative regulation or school/program rule. There must be cause to believe that the search of the particular student will result in finding evidence of particular misconduct (in contrast with a general search of a number of students without reasonable suspicion as to the particular student or students searched); the scope of the search must be reasonably related to the reason for the search (for instance, if the search is for a handgun, searching the student's wallet is unreasonable); and the search must not be excessively intrusive in light of the age and sex, the legitimate privacy expectations of the student, and the nature of the infraction.

Strip searches of students shall not be conducted. All searches of students shall be carried out in the presence of another adult witness.

Use of drug-detection dogs and metal detectors, or similar detective devices may be used only upon the express authorization of the CREC Executive Director.

Desks and school lockers are the property of CREC and are loaned to students. The school/program administrator or designee shall maintain an accurate list of all locker assignments and either a master key or combinations to all lockers. At the time students are assigned a locker they shall be informed that school authorities may conduct random periodic inspections of school lockers and desks. A school/program administrator may search a student's desk or locker for the presence of and seize any contraband, weapons, or the fruits of a crime. Search of a student's effects contained in a locker or desk must be justified by reasonable suspicion that the search will lead to evidence of

a violation of law, CREC policy, administrative regulation or school/program rule.

Administrators shall document all student searches and seizures.

Legal Reference: Connecticut General Statutes

54-33n Search of School Lockers and Property

Federal Court Cases

*New Jersey v. T.L.O.*, 469 US 325 (1985)

*DeFelice v. Warner*, 511 F. Supp. 2d 241 (D. Conn 2007)

*Phaneuf v. Fraiken*, 448 F.3d 591 (2d Cir. 2006)

Policy adopted: September 21, 1994

Revised: June 18, 2003

Revised: October 14, 2020

CAPITOL REGION EDUCATION COUNCIL

Hartford, Connecticut