

Milton Town School District

Policy

F3: SEARCH AND SEIZURE

It is the policy of the Milton Town School District to maintain school property to assure the safety and enjoyment of students, school employees and the general public and to extend the useful life of the school facilities.

To carry out this policy the school retains the right to examine all its property and to carry out searches or to seize property under the guidelines provided in this policy.

Guidelines for Searches and Seizure

1. Desks, lockers, textbooks and other materials or supplies loaned by the school to students remain the property of the school, and may be opened by school employees for cleaning, maintenance or emergencies. When prohibited items are found in the course of routine cleaning or maintenance, or in the case of emergency, they will be confiscated and a report will be made to the Principal who will determine whether further investigation is warranted.
2. School property may also be searched by school employees upon reasonable suspicion on the part of the Principal, Assistant Principal, or Superintendent that a law or school policy is being violated. Searches of school property in the possession of students will not extend to areas or items not reasonably calculated to aid in the enforcement of specific policies or laws.
3. Searches of students' persons, personal effects or vehicles may be conducted if there is reasonable cause to believe that such search will produce evidence of a breach of school policy or law. Search of a student's person will be conducted by a school employee of the same sex and, whenever possible, in the presence of another school employee. A strip search will be conducted only upon probable cause and will not be carried out by school personnel.
4. School employees are not the agents of law enforcement officials. Search and/or seizure by law enforcement officials on school property may occur when a warrant or other legal basis exists authorizing such search and/or seizure, and when the requirements of the Board's policy on interrogations by law enforcement officers have been complied with.
5. Copies of this policy will be distributed to students when they enroll in school, and will be included in the student handbook given to students and parents at the beginning of each school year.

Date Warned: Feb. 9, 2009

Date Adopted: March 9, 2009

Legal Reference(s): *New Jersey v. T.L.D., 105 S.Ct. 733 (1985)*
Vernonia School District v. Acton, 115 S.Ct. 2386 (1995)
M.M. v. Anker, 607 F.2d 588 (2d Cir. 1979)

Cross Reference: *Interrogation or Searches of Students by Law Enforcement Officers or Other Non-School Personnel (F4)*
Student Conduct and Discipline (F1)