

Students

Search and Seizure

Desks and School Lockers

Desks and school lockers are property of the schools, placed there for the temporary convenience of students. The right to inspect desks and lockers assigned to students may be exercised by school officials to safeguard students, their property and school property with reasonable care for the Fourth Amendment rights of students.

The exercise of that right to inspect also requires protection of each student's personal privacy and protection from coercion. An authorized school administrator may search a student's locker or desk under the following conditions:

1. There is reason to believe that the student's desk or locker contains the probable presence of contraband material.
2. The probable presence of contraband material poses a serious threat to the maintenance of discipline, order, safety and health in the school.
3. The student has been informed in advance that school board policy allows desk and lockers to be inspected if the administration has reason to believe that materials injurious to the best interests of students and the school are contained therein.

Use of drug-detection dogs and metal detectors, or similar detective devices may be used only on the express authorization of the Superintendent.

District officials may seize any item which is evidence of a violation of law, Board policy, administrative regulation or school rule, or which the possession or use of is prohibited by such law, policy, regulation or rule.

Student Search

A student 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 scope of the search 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.

Students may be searched by law enforcement officials on school property or when the student is under the jurisdiction of the district upon the request of the law enforcement official. Such requests ordinarily, shall be based on warrant. The school Principal or designee will attempt to notify the student's parents in advance and will be present for all such searches.

Students

Search and Seizure (continued)

Evidence

School system officials reserve the right to submit evidence of law violation to law enforcement authorities for use in possible court proceedings.

Student Interrogations and Arrests

The student has exclusive control over property in his/her immediate possession as against other students; but such possession may not be exclusive against the school and its officials. When a reasonable suspicion arises that use or possession of a student's property is illegal, illicit, disruptive, or a danger to the general welfare of students and staff, a search may be made of the student's person or personal property.

1. Only the Principal or designee shall be responsible for determining whether or not a search shall be conducted of a student's person or personal property.
2. When deemed appropriate, the Principal should consider the proper involvement of the lawful custodian of the student.
3. A second staff member shall be present during a search of either a student or a student's personal property.
4. The seizure or confiscation of items located in property in a student's immediate possession and/or on a student's person shall be accomplished in the following manner:
 - a. The seizure shall be witnessed by the student and a second staff member.
 - b. The search shall be conducted as discretely as possible and in private.
 - c. Each and every item seized must be identified and not commingled with other items previously or subsequently seized.
 - d. The Principal shall prepare a summary report identifying the item(s) confiscated. The report should include the facts upon which reasonable suspicion was based, where the search occurred, the reason for the seizure, who was present, time, and the disposition of item(s).
 - e. A copy of the summary report shall be given to the student and/or lawful custodian(s) of the student.

Students

Search and Seizure

Student Interrogations and Arrests (continued)

5. Those items considered to be illegal, illicit, disruptive, or a general nuisance to the educational process may be seized by staff. Storage, return, or destruction of such items shall be at the discretion of the principal, subject only to legal impoundment.
6. If there is a reasonable suspicion that the student may have or is violating the district drug policy, the Board reserves the right to demand that the student submit to a drug test in the least obtrusive manner available to achieve accurate results.

Legal Reference: Connecticut General Statutes

10-221 Boards of education to prescribe rules

New Jersey v. T.L.O., 469 US 325; 105 S.CT.733

Policy adopted: June 26, 2006

EAST HAMPTON PUBLIC SCHOOLS
East Hampton, Connecticut

Students

Search and Seizure

Vehicle Searches on School Grounds

The privilege of bringing a student-operated motor vehicle onto school premises is hereby conditioned on consent by the student driver to allow the search of that motor vehicle when there is reasonable cause for a search of that motor vehicle. The act of bringing a motor vehicle upon school premises will allow school officials to presume consent by the student, parent or guardian, or owner of the vehicle for a search of that motor vehicle. Refusal by a student, parent or guardian, or owner of the vehicle to allow access to a motor vehicle on school premises at the time of a request to search the motor vehicle will be cause for termination, without further hearing, of the privilege of bringing a motor vehicle onto school premises. The Principal, or a building administrator, may request a law enforcement officer to search a motor vehicle on school premises, subject to provisions of this policy.

(cf. 5145.12 - Search and Seizure)

Legal Reference: Connecticut General Statutes

10-221 Boards of education to prescribe rules.

New Jersey v T.L.O., 53 U.S.L.W. 4083 (1985)

Policy adopted: June 26, 2006

EAST HAMPTON PUBLIC SCHOOLS
East Hampton, Connecticut

Students

Search and Seizure

Breathalyzer Testing

This policy provides the basic structure for the use of passive alcohol sensors in this District to detect/confirm alcohol consumption by students.

The passive alcohol sensor device is a non-invasive high-speed breath alcohol-screening instrument which can be used as a “sniffer” for overt or covert alcohol detection. This device may be used to sample a student’s breath in order to detect alcohol use.

The District does not consider the use of a passive alcohol-screening device as constituting a “search”; therefore the issue of trespass or intrusion into a student’s privacy is not a factor in the use of this device.

Administrators will use such a device only when reasonable suspicion exists that a student is under the influence or has used alcohol. Reasonable suspicion shall refer to any of the following:

1. Observed use or possession of alcohol;
2. Apparent physical state of impairment of motor functions;
3. Marked changes in personal behavior not attributable to other factors; or
4. Involvement in, or contribution to, an accident where the use of alcohol is reasonable suspected or student involvement in a pattern of repetitive accidents, whether or not they involve actual or potential injury.

All due process rights of students will be observed. Further, the Board allows the use of passive alcohol sensor devices at school, on school buses or at any school-sponsored activity.

The passive screening device shall be checked for accuracy monthly and for full calibration semi-annually.

Only designated school personnel and/or the school resource officer(s) will be trained in the use of such instruments.

Students, parents/guardians and staff will be notified of the intended use of the passive alcohol sensor device. This notification shall be done through announcements, written documentation, assembly demonstration or classroom discussions.

When an administrator has reasonable suspicion that a student is under the influence of alcohol at school or a school-sponsored event, the student shall be given the option to take a passive alcohol sensor screening. If screening results are negative, no action shall be taken. However, if the student tests positive or if the student declines to take the screening, when reasonable suspicion exists, he/she shall be subject to appropriate disciplinary action as set out in the District’s disciplinary policies.

Students

Search and Seizure (continued)

Breathalyzer Testing

- (cf. 5114 – Suspension/Expulsion)
- (cf. 5131 – Conduct)
- (cf. 5131.6 – Drugs, Alcohol, Tobacco)
- (cf. 5131.8 – Out of School Misconduct)
- (cf. 5144 – Discipline/Punishment)
- (cf. 5145.11 Questioning and Apprehension)
- (cf. 5145.12 – Search and Seizure)

Legal Reference: Connecticut General Statutes

10a-18 Programs to be offered on effects of drugs and alcohol.

10-19 Teaching about alcohol, nicotine or tobacco, drugs and acquired immune deficiency syndrome. Training of personnel.

10-154a Professional communications between teacher or nurse and student. Surrender of physical evidence obtained from students.

10-221d Boards of education to prescribe rules re; use, sale or possession.

21a-240 Definitions, dependency producing drugs.

21a-243 Regulation re schedules of controlled substances.

New Jersey v. T.L.O., 469 325; 105 S.Ct. 733 (1985)

Veronia School District 47J v. Acton, 515 U.S. 646 (1995)

Todd v. Rush County Schools, 133F.3d 984 (7th Cir. 1998)

Knox County Education Association v. Knox County Board of Education, 158 F3d 361, 3885-386 (6th Cir. 1998)

Policy adopted: April 28, 2008

EAST HAMPTON PUBLIC SCHOOLS
East Hampton, Connecticut

Students

Search and Seizure

Breathalyzer Testing - Regulation

Given reasonable suspicion of alcohol consumption by a student, the administration will follow these procedures:

- The student will be removed to the office area for observation and questioning concerning alcohol consumption.
- The student may at any point confirm or deny the report of possible alcohol consumption.
- After questioning and observation, the student will be informed of the passive alcohol sensor test and how it operates. The student will be requested to breathe across the intake part of the device.
- The administration will then inform the student of the device's findings — alcohol was either detected on the sensor or the sensor did not detect alcohol.
- If alcohol was detected, the administration will notify the student and his/her parents and initiate appropriate disciplinary procedures.
- If the student continues to deny consumption the student has due process rights. The student will be given the opportunity to face local law enforcement authorities to determine the presence of alcohol. The student may face legal consequences as a result of failing of alcohol detection test by local law enforcement officials.

In addition, the administration will:

- Publicize the intent and procedure with parents/guardians.
- Hold student meetings to present and clarify the intent and procedure.

(cf. 5114 - Suspension/Expulsion)

(cf. 5131 - Conduct)

(cf. 5131.6 - Drugs, Alcohol, Tobacco)

(cf. 5131.8 - Out of School Misconduct)

(cf. 5144 - Discipline/Punishment)

(cf. 5145.11 - Questioning and Apprehension)

(cf. 5145.12 - Search and Seizure)

Students

Research on Students

Surveys of Student Opinions

Education is an integral part of the life of the members of the community and certain segments of the community seek information through the use of surveys.

To ensure that the information sought through the use of surveys serves the best interest of the East Hampton School System, the following procedure for conducting surveys of students is approved by the East Hampton Board of Education:

1. Copies of all instruments for surveys of student opinion will be presented to the Principal of the respective school for approval prior to distribution.
2. The Principal will evaluate the appropriateness of the survey and submit the survey and his/her written comments relative to the survey to the Superintendent of Schools.
3. The Superintendent of Schools will present the survey along with comments to the policy committee of the Board.
4. The policy committee of the Board will determine the merits of the survey and will either approve, disapprove or refer the survey to the full Board for consideration.
5. The Superintendent of Schools, or his/her designee, will inform the originator or originators of the survey as to the approval or disapproval of conducting the survey within the East Hampton School System.

Students

On-Campus Recruitment

Subject to the provisions of Subdivision (11) of Subsection (b) of Section 1-210 of the Connecticut General Statutes, the high schools of the school district shall provide the same directory information and on-campus recruiting opportunities to representatives of the armed forces of the United States of America and State Armed Services as are offered to nonmilitary recruiters, recruiters for commercial concerns and recruiters representing institutions of higher education.

The Board shall also provide full access for the recruitment of students by regional vocational technical schools, regional vocational agricultural centers, inter-district magnet schools, trade schools, charter schools and inter-district student attendance programs.

Directory information or class lists of student names and/or addresses shall not be distributed without the written consent of the parent or legal guardian of the student or by the student who has attained majority status.

Military recruiters or institutions of higher learning shall have access to secondary school students' names, addresses, and telephone listings unless a secondary student or the parent of the student requests that such information not be released without prior written parental consent. The Board of Education shall notify parents of the option to make such request and shall comply with any request received.

The school administrator may make the determination of when the recruitment meetings are to take place and reserves the right to deny such meeting where the holding of such meeting will materially and substantially interfere with the proper and orderly operation of the school.

Any person or organization denied the rights accorded under this policy shall have the right to request a review of the decision by the Board of Education by filing a written request with the Superintendent of Schools.

(cf. 5125 - Student Records; Confidentiality)

Legal Reference: Connecticut General Statutes
 1-210 (11) Access to public records. Exempt records.
 10-221b Boards of education to establish written uniform policy re treatment of recruiters.(as amended by PA 98-252)
 P.L. 106-398, 2000 H.R. 4205: The National Defense Authorization Act for Fiscal Year 2001
 P.L. 107-110 "No Child Left Behind Act" Title IX, Sec. 9528

Policy adopted: June 26, 2006

EAST HAMPTON PUBLIC SCHOOLS
 East Hampton, Connecticut

Students

Directory Information

The District may disclose any of the items listed as “Directory Information” without prior written consent, unless notified in writing to the contrary by parent/guardian by October 1st.

The following types of information contained in the education record of an enrolled student are hereby designated as directory information and may be disclosed by school officials without prior consent of a parent or eligible student except as provided below:

- The student’s name and/or parent/guardian name
- The student’s address and/or parent/guardian address
- The student’s telephone listing and/or parent/guardian telephone listing
- The student’s electronic mail address and/or parent/guardian electronic mail address
- The student’s photograph
- The student’s place and date of birth
- The student’s date of attendance
- The student’s grade level
- The student’s participation in officially recognized activities and sports
- The student’s weight and height as a member of an athletic team
- Honors and awards received by the student

A parent or eligible student may refuse to allow East Hampton school officials to designate any or all of the above listed types of information as directory information. Any such refusal must be made in writing to and received by the child’s school principal no later than October first.

Military recruiters or institutions of higher learning shall have access to secondary school students’ names, addresses, and telephone listings unless a secondary student or the parent of the student requests that such information not be released without prior written parental consent. The Board of Education shall notify parents of the option to make such a request and shall comply with any request received.

(cf. 5125 - Student Records; Confidentiality)

Legal Reference: Connecticut General Statutes
 1-19(b)(11) Access to public records. Exempt records.
 10-221b Boards of education to establish written uniform policy re treatment of recruiters.

Policy adopted: June 26, 2006

EAST HAMPTON PUBLIC SCHOOLS
 East Hampton, Connecticut

Students

Nondiscrimination

It is the policy of the East Hampton Board of Education that students shall be provided an equal opportunity to participate in and benefit from the activities, programs, and courses of study offered by the East Hampton school district without discrimination on account of race, color, sex, religion, national origin, sexual orientation, marriage, parenthood, or any other basis prohibited by local, state and federal law. Additionally, no individual shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.

The East Hampton Board of Education complies with all laws pertaining to student disabilities, including but not limited to Section 504 and the Federal Vocational Rehabilitation Act of 1973, as amended from time to time, and the Individuals with Disabilities Educational Act (IDEA), as amended from time to time and applicable state laws and federal and state regulations.

Any student or other individual who feels he or she has been denied an equal opportunity in violation of this policy should immediately bring his or her complaint to the attention of the Building Principal or Assistant Principal, Guidance Counselor or the Title IX Coordinator, unless the Title IX Coordinator is the subject of the complaint in which case it may be brought to the Superintendent of Schools. The Title IX Coordinator will be the Director of Support Services at the Superintendent's office, 94 Main Street, East Hampton, CT 06424

A copy of this policy shall be distributed to all present and future employees and students.

Legal References: 20 U.S.C. §1681 (Title IX)
 20 U.S.C. §706(7)(b) (Section 504)
 20 U.S.C. § 1400 et. seq. (IDEA)
 C.G.S. §10-15c (Discrimination in public schools prohibited)
 C.G.S. §46a-58 (Deprivation of rights)

Students

Grievance Procedure – Title IX-Gender Equity and Sexual Harassment/Section 504 of the Rehabilitation Act of 1973

Any student, parent/guardian, staff member or applicant to a program who feels that he/she has been discriminated or harassed on the basis of race, color, religious creed, sex, age, national origin, ancestry, marital status, sexual orientation, mental retardation and past/present history of mental disorder, learning disability, and physical disability may file a grievance against the school or program, based on the provisions of Title VII of the Civil Rights Act of 1964, Title IX of the Education Amendment of 1972, and Section 504 of the Rehabilitation Act of 1973.

The school system shall designate a person or persons to coordinate activities under the three laws and to provide assistance to anyone initiating a complaint. The school system will publish yearly the names of persons assigned these responsibilities.

The grievance procedure shall contain several informal and formal levels of activity.

Informal Level

1. Any student, parent/guardian, staff member or applicant to a program who feels that he/she has been discriminated against or harassed on the basis of race, color, religious creed, sex, age, national origin, ancestry, marital status, sexual orientation, mental retardation, and past/present history of mental disorder, learning disability, and physical disability shall contact the designated building compliance coordinator preferably as soon as possible after the incident but within the school year of the alleged occurrences to discuss the nature of the complaint.

The Building Compliance Coordinator shall maintain a written record which shall contain the following:

- a. Full name and address of complainant.
 - b. Full name and position of person(s) who allegedly discriminated against the complainant.
 - c. A concise statement of the facts constituting the alleged discrimination.
 - d. Dates of the alleged discrimination.
2. At the time the complaint of alleged discrimination is filed, the Building Compliance Coordinator shall begin investigating the complaint as soon as practical, but in no case, more than ten (10) school/working days from the time the complaint was received. Within this time limit, the Building Compliance Coordinator shall meet informally with the complainant and the individual(s) against whom the complaint was lodged, and shall provide confidential counseling where advisable and finally shall seek an informal agreement between the parties concerned within fifteen (15) school/working days of receipt of such complaint. Every attempt shall be made to seek a solution and resolve the alleged discrimination complaint at this level.

Students

Grievance Procedure – Title IX-Gender Equity and Sexual Harassment/Section 504 of the Rehabilitation Act of 1973 (continued)

Formal Level

1. If the complainant is not satisfied with the resolution(s) reached through the informal procedures, more formal procedures may be initiated by the complainant to further explore and resolve the problem internally. If requested to do so by the complainant within ten (10) school/working days, the Building Compliance Coordinator shall present the written alleged discrimination complaint to the District Compliance Officer. A review of all the facts and recommendations will be considered. Further investigation will be pursued if necessary. The District Compliance Officer in consultation with the Building Level Compliance Officer will present his/her recommendations to the parties concerned within fifteen (15) school/working days of receipt of such complaint.
2. If the complainant is not satisfied with the decision of the District Compliance Officer, he/she may submit, within ten (10) school/working days, a written appeal to the Superintendent of Schools.

The Superintendent shall review all aspects of the case, and, within fifteen (15) school/working days, shall approve the District Compliance Officer's decision or modify the decision in any manner deemed appropriate to fairly resolve the complaint.

3. If the complainant is not willing to abide by the Superintendent's recommendation, he/she may submit a written appeal to the Board of Education within ten (10) school/working days of the Superintendent's decision.

Any person may also file a complaint of illegal discrimination with the Officer for Civil Rights, Washington, D.C. at the same time he/she files the grievance during or after use of the grievance process, or without using the grievance process at all. If the complaint is filed with the Office for Civil Rights, it must be filed in writing no later than one hundred eighty (180) days after the occurrence of the possible discrimination.

Students

Surrogate Parent Program

Any child considered by the school district to require special education and whose natural parents or legal guardians are unavailable as defined by law, or who is a ward of the state, may be provided a surrogate parent appointed by the Commissioner of Education in the manner provided by law.

The function of the surrogate parent will be to act as the child's advocate in the educational decision-making process, which includes all special education identification, evaluation, placement, hearing, mediation and appeal procedures conducted for the student.

In addition, the surrogate parent will also act as the child's advocate in the evaluation and planning procedures available to children under Section 504 of the U.S. Rehabilitation Act.

Surrogate parents will be informed, by the Board as are regular parents, annually of Board policies regarding student conduct and discipline. The Board may suspend or expel a child for conduct that violates Board policy and seriously disrupts the educational process. If the administration suspends or the Board of Education expels a student, the parent, legal guardian or surrogate parent will be notified it is mandatory for the Board of Education to expel a student for carrying a weapon or for selling or distributing drugs.

The law makes provisions whereby a parent or legal guardian or the student for whom a surrogate parent has been appointed may contest the surrogate parent appointment.

Legal Reference: Connecticut General Statutes
 10-94f Definitions.
 10-94g Commissioner of Education to appoint surrogate parent; Procedure for objection to or extension of said appointment. (as amended by PA 00-48)
 10-94h Term of surrogate parent.
 10-94i Rights and liabilities of surrogate parents.
 10-94j Regulations re appointment of surrogate parents. (as amended by PA 00-48)
 10-94k Funding of surrogate program.
 10-233e Notice as to disciplinary policies and actions.
 Section 504 U.S. Rehabilitation Act, 29 U.S.C. 791

Policy adopted: June 26, 2006

EAST HAMPTON PUBLIC SCHOOLS
 East Hampton, Connecticut

Students

Emancipation of Minors/Age of Majority

By statute, the age of majority has been set at eighteen (18) years of age. Therefore, the following policies are adopted:

1. There shall be no drinking of alcoholic beverages prior to or during any school function, regardless of location.
2. School regulations concerning all attendance matters (e.g., early dismissal, late admission, field trips, etc.) shall continue to be handled as they were previously, unless the eighteen year old requests the school administration to deal with him/her directly.
3. The school system recognizes its moral responsibility to the parent regardless of the age of the students in its charge. All contacts and records shall continue to be maintained with the home. Eighteen year old students may request direct communication and parents shall be notified of that action. The school will continue to have contact with parents.
4. The school recognizes the right of the eighteen year old to examine all personal school records.
5. Any student at or above the age of majority who, independent of parents or guardian, takes up residence in the Town of East Hampton and enrolls in the East Hampton School System shall be required by the Principal of the school in which the eighteen year old enrolls to submit a Certificate of Residence certifying that he/she is indeed in residence within the East Hampton School District, said certificate to be attested to by the owner, renter or leasee of the property wherein the student resides. Such certificate must be completed and placed in the hands of the Principal within five (5) calendar days from the date of entrance of the student in question.

The above policy is adopted under the assumption that reasonable school regulations shall apply to all students regardless of age, and that persons 18 years of age or over will be considered students first and adults second.

Legal Reference: Connecticut General Statutes
 1-1d "Minor," "infant," "infancy," "age of majority," defined
 46b-150 Emancipation of minor, Procedures
 46b-150d Effect of emancipation

Policy adopted: June 26, 2006

EAST HAMPTON PUBLIC SCHOOLS
 East Hampton, Connecticut