

STUDENT SEARCHES AND THEIR PROPERTY

The superintendent, assistant superintendent, principal, school resource officer or building administration may detain and search any student or students on the premises of the public schools, or while attending, or while in transit to, any event or function sponsored or authorized by the school under the following conditions:

1. When any authorized person has reasonable suspicion that the student may have on the students' person or property alcohol; dangerous weapons; controlled dangerous substances as defined by law or stolen property if the property in question is reasonably suspected to have been taken from a student, a school employee, or the school during school activities; or any other items which have been or may reasonably be disruptive of school operations or in violation of student discipline rules and applicable provisions of the student handbook.

2. School lockers and school desks are the property of the school, not the student. Students who use school district lockers, desks, and other storage areas or compartments have no reasonable expectation of privacy from school employees as to the contents of those areas. Lockers, desks, and other storage areas or compartments may be subjected to searches at any time with or without reasonable suspicion. Students are not to use any school area or property to store anything that should not be at school. Students shall not exchange lockers or desks. Students shall not use any lockers or desks other than those assigned to them by the principal or designee. A shared locker or storage area implies shared responsibility.

3. Authorized personnel may conduct a search of the student's person or the student's belongings, as noted above, whenever a student freely and voluntarily consents to such a search. Consent obtained through threats or coercion is not considered to be freely and voluntarily given.

If a request for a search by an administrator for reasonable suspicion is refused, the student will receive an automatic 10 day out-of-school suspension.

4. Strip searches are forbidden. No clothing except cold weather/outdoor garments and footwear will be requested to be removed before or during a search.

5. Authorized personnel conducting a search shall have authority to detain the student or students and to preserve any contraband seized. Contraband seized during the course of a search will be preserved and held in accordance with applicable administrative rules and procedures.

STUDENT SEARCHES AND THEIR PROPERTY

6. Any searches of students as outlined herein will be conducted by authorized personnel of the same sex as the student being searched. Whenever possible, two authorized persons shall be present during any search of a student or student property.

7. The Superintendent is authorized to arrange for the use of trained canines to aid in the search process.

8. Items that may be seized in addition to those mentioned in Paragraph 1 above, shall include but not be limited to, any item, object, instrument, or material commonly recognized as unlawful or prohibited by law or by district policy. For example: prescription or non-prescription medicines, switchblade knives, brass knuckles, billy clubs, and pornographic literature are commonly recognizable as unlawful or prohibited items. Such items, or any other items which may pose a threat to a student, the student body, or school personnel shall be seized, identified as to ownership if possible, and held for release to proper authority.

9. A student may not be released during school hours into the custody of persons other than parent or legal guardian, unless release is demanded in writing by the Authority. The only exception shall be when a student is taken into custody and removed from the school premises by an Authority.

10. If a student is removed from the school by legal authority, a parent should be notified of this action by school administrators as soon as possible.

In conducting searches of students and property, school officials should consult with legal counsel and law enforcement authorities to be aware of circumstances when involvement of the police is advisable and/or necessary.

Searches of student automobiles are governed by Board Policy JIHB.

Legal References:

NH Constitution, Pt.1, Art.19

i State v. Drake, 139 NH 662 (1995)

State v. Tinkham, 143 NH 73 (1998)

Revised: April 2009

Revised: January 2001, February 2005

New policy: July 1998

Reviewed:	July 28, 2014
1st Reading:	August 26, 2014 added #9 & #10
2nd Reading:	September 9, 2014
Approved:	September 9, 2014
Reviewed:	May 28, 2019
First Reading:	June 11, 2019
Revised:	August 12, 2019
First Reading:	August 27, 2019
Second Reading:	August 27, 2019
Approved:	August 27, 2019