

STUDENT SEARCHES AND THEIR PROPERTY

The superintendent, principal, security personnel of the school or other authorized personnel 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; prohibited electronic devices; 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.
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.
6. Any searches of students as outlined herein will be conducted by authorized personnel of the same sex as the student being searched. 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 during an unauthorized search, 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. Absent an imminent threat, every attempt will be made to contact the student's parent or guardian prior to conducting the search of a student. In all cases, the student's parent or guardian will be notified.

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

State v. Drake, 139 NH 662 (1995)

State v. Tinkham, 143 NH 73 (1998)

Legal References Disclaimer: *These references are not intended to be considered part of this policy, nor should they be taken as a comprehensive statement of the legal basis for the Board to enact this policy, nor as a complete recitation of related legal authority. Instead, they are provided as additional resources for those interested in the subject matter of the policy.*

First Reading: May 14, 2002

Second Reading: May 28, 2002

Adopted: May 28, 2002

Reviewed: September 13, 2005 (Amended to include any legal references.)

First Reading: January 26, 2022

Second Reading: February 9, 2022

Second Reading: March 9, 2022

Revised: March 9, 2022