

## **SEARCH OF STUDENTS**

In accordance with policy JIH, searches shall be conducted under the following provisions:

A student is subject to search by District staff if reasonable grounds exist to suspect that evidence of a violation of the law or school rules will be discovered. School staff shall report a student's suspicious activity to the principal prior to initiating a search, except in emergency situations.

### **Persons Authorized to Conduct a Search**

Only the building principal or school district designee are authorized to conduct searches of a student's person or a student's belongings. Such individuals may only conduct a search if he/she has reasonable suspicion.

### **Reasonable Suspicion**

For the purposes of these regulations, "reasonable suspicion" means that a school district employee has reasonable grounds to believe that either the law or school rules have been violated. Reasonable suspicion may be established if a school district employee observes, hears, or is informed of behavior or actions that violate either the law or school district rules.

School district employees who have reason to believe that either the law or school district rules have been violated are obligated to inform the building principal, who will then ascertain whether or not reasonable suspicion exists such that a search of the student or his/her belongings is justified.

### **Conducting the search**

If a district employee authorized to conduct a search determines that reasonable suspicion and reasonable grounds exist to search a student's person, clothing, personal effects, desk, locker, assigned storage area or automobile, the search shall be conducted as follows:

- A. In addition to the person conducting the search, at least one other authorized person shall be present during the search. At least one of the authorized persons present during a search shall be the same sex/gender as the student being searched.
- B. If the authorized person concludes that the student's person is to be searched, the student will be informed that it is believed that he/she has violated either the law or school district rules, and that a search of the student's person, clothing, and/or personal effects will be forthcoming.
- C. If the student refuses to allow his/her person to be search and acts in any manner that threatens the safety or well-being of district employees or students, school officials are authorized to contact local law enforcement authorities and turn over all necessary investigative procedures to them.
- D. Students do not have any expectation of privacy in belongings stored in school district property, including but not limited to desks, lockers, storage areas, etc. Such areas may be searched by the principal or school district designee at any time, with or without reasonable suspicion. Students will not necessarily be informed that such areas are going to be searched.

### **Responsibilities of School Employees After A Search**

- A. 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.
- B. If the search yields evidence that a school rule has been violated, the principal is authorized to proceed with disciplinary measures in accordance with other school board policies.

C. If the search yields evidence that a crime has been committed or a law has been broken, the principal is authorized to contact local law enforcement, in accordance with other school board policies and the Memorandum of Understanding (per NH RSA 193-D:4 Safe School Zones) between the District and the law enforcement agency. Students may still be disciplined in accordance with other school board policies in this scenario.

D. The principal will formulate a written report for each search conducted, within 24 hours of the search. Such report will be forwarded to the Superintendent within 24 hours of it being finished. If local law enforcement officials were contacted for any reason, the Superintendent shall inform the school board thereof.

### **Contraband/Paraphernalia**

A. The authorized person conducting the search is authorized to seize and hold any contraband, paraphernalia, or any other object that violations either school rules or the law. Such objects should be turned over to the principal for proper documentation.

B. The principal shall document such objects and include a description of such objects in his/her report. The principal is authorized to photograph such objects.

C. Any items seized during the course of a search shall be stored in a secure location until such time as it is deemed necessary or prudent to dispose of such items. The principal and/or Superintendent shall take into consideration the exhaustion of all available appeals, transfer of such items to law enforcement authorities, and other factors before disposing of seized items.

D. The principal shall refer to the Memorandum of Understanding with the local law enforcement agency in determining whether such items should be turned over to the law enforcement officials.

### **Locker Searches**

A. Lockers, desks, and storage areas are the property of the school district. When assigned a locker, desk or storage area, a student shall be responsible for its proper care. A student may be subject to a fine for any willful damage to school property. Students are encouraged to keep their assigned lockers closed and locked. A shared locker implies shared responsibility for a locker and its contents.

B. A student's locker, desk or storage area may be searched by district staff if reasonable grounds exist to suspect that evidence of a violation of the law or school rules will be uncovered. School staff shall report a student's suspicious activity to the principal prior to initiating a search, except in emergency situations when the risk of harm to students or staff demands immediate action.

C. Authorized persons may search all lockers, desks, or storage areas without prior notice given to students and without reasonable suspicion that the search will yield evidence of any particular student's violation of the law or school rules.

### **Use of Dogs for Searches**

A. Building principals are authorized to arrange for the use of trained dogs to aid in the search for drugs, alcohol, and related paraphernalia in school buildings and on all school facilities, grounds, parking lots and any other district owned property.

B. Prior to arranging for the use of trained dogs to aid the search, the principal will inform the Superintendent of his/her desire to have such dogs in the school.

C. Prior to the use of trained dogs to assist in a search, the Superintendent will notify the school district's legal counsel to review all pertinent factors of such action. Additionally, the Superintendent will also notify the school board chairperson when trained dogs are to be used to aid in a search.

D. All dogs must be accompanied by a qualified and authorized trainer who will be responsible for the dog's actions and who can verify the dog's reliability and accuracy in performing the search. Trained dogs may sniff

lockers, motor vehicles, and other inanimate objects.

E. Dogs may not be used for random searches of students or other persons.

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.*

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