

SEARCH OF STUDENTS

In accordance with Policy JIH, searches shall be conducted under the following circumstances.

Searches by School Personnel

The Superintendent, Principal, teacher, or security personnel of the school (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 student's person or property alcohol, dangerous weapons, electronic paging devices, controlled dangerous substances as defined by law, 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 that 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. The users of 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 contain anything that should not be at school. Students shall not exchange lockers or desks or use any lockers or desks other than those assigned to them by the building Principal.
3. Authorized personnel may search a student whenever the student consents to such a search. However, consent obtained through threats or coercion is not considered to be freely and voluntarily given.
4. Authorized personnel conducting a search shall have authority to detain the student or students and to preserve any contraband seized.
5. Any searches of students as outlined herein will be conducted by an authorized person who is the same sex as the person being searched.
6. Strip searches are forbidden. No clothing except cold-weather outer garments will be removed before or during a search.

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7. Items that may be seized during a lawful 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. For example: prescription or non-prescription medicines, switchblades, knives, brass knuckles, billy clubs, and pornographic literature are commonly recognizable as unlawful or prohibited items. Such items, or any other items that may pose a threat to a student, the student body, or other school personnel, shall be seized, identified as to ownership if possible, and held for release to the proper authorities.

Searches by Police

Police may search students or their lockers if the police have a valid warrant to do so or if they have probable cause to believe that students are in possession of unlawful items.

When police are permitted to interview students in school, the students will be afforded the same rights they have outside of school. If possible, the school authorities will attempt to notify parents/guardians prior to the time that the police interview or interrogate any minor student. Students must be informed of their constitutional rights by the police. Students may remain silent if they so desire, and they must not be subjected to coercion or illegal restraint. However, within the framework of their legal rights, students have the responsibility to cooperate with the police.

The School Board believes that students have a responsibility to maintain effective communications with their teachers and administrators because good communications can often forestall or resolve a problem before it becomes necessary to involve police authorities.

Removal of Students from School by the Police

Police may make arrests of pupils only in accordance with RSA 594:10 and under circumstances consistent with both the United States and State of New Hampshire Constitutions. The school authorities will attempt to ensure that student arrests take place only in those instances where arrests are permissible under the laws of the United States and the State of New Hampshire. In any event, the building Principal or his/her designee will notify the student's parents/guardian as soon as possible after learning that a student is about to be arrested or has been arrested.

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To the extent possible, school authorities will not permit the police to have direct contact with a student without prior notification of the student's parents/guardian.

Occasionally, a Principal may find it necessary to call the police department for assistance in handling a pupil guilty of some serious offence committed at school. In such cases, the Principal should, either prior to or immediately after contacting the police, attempt to contact the student's parents/guardian.

Adopted: August 1, 2002