

Raymond School District Policy – JIH-R

SEARCH OF STUDENTS - PROCEDURES AND REGULATIONS

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

A student is subject to search by the superintendent, principal, or assistant principal 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/assistant principal prior to initiating a search, except in emergency situations.

Persons Authorized to Conduct a Search

Only building principals, assistant principals, or the superintendent 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:

1. In addition to the person conducting the search, at least one other school district employee shall be present during the search. At least one of the school district employees present during a search shall be the same sex/gender as the student being searched.
2. 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.
3. If the student refuses to allow his/her person to be searched, 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.
4. 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 student resource officer 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

1. 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.
2. 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 between the District and the law enforcement agency. Students may still be disciplined in accordance with other school board policies in this scenario.
3. 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.

Contraband/Paraphernalia

1. The authorized person conducting the search is authorized to seize and hold any contraband, paraphernalia, or any other object that violates either school rules or the law. Such objects should be turned over to the principal for proper documentation.
2. 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.
3. 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.
4. 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

1. 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.
2. 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.
3. 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

1. 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.

2. 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.
3. 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 when trained dogs are to be used to aid in a search.
4. 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.
5. Dogs may not be used for random searches of students or other persons.

~~In accordance with Policy JHH, 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.~~
- ~~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.~~

~~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 offense 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.~~

Legal References

[State v. Drake 139 MH 662 \(1995\)](#)

[State v. Tinkham, 143 NH 73 \(1998\)](#)

[NH Constitution, Pt. 1, Art. 19](#)

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