

## STUDENT SEARCHES AND THEIR PROPERTY

The superintendent, principal, ~~or assistant 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 students' person or property alcohol, dangerous weapons, ~~electronic paging devices~~ **prohibited electronic devices**, controlled dangerous substances as defined by law, stolen property if the property in question is reasonably suspected to have 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. ~~The users of~~ **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 contain ~~any thing~~ **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 principal ~~or~~ **designee**. A shared locker or storage area implies shared responsibility.
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.~~ **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 the authorized person who is the same sex as the person being searched. **Whenever possible, two authorized persons shall be present during any search of a student or student property.**
6. ~~Strip searches are forbidden. No clothing except cold weather outer garments will be removed before or during a search.~~

7. ~~Authorized personnel is permitted~~ **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 ~~a lawful~~ **an authorized** 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 other school personnel, shall be seized, identified as to ownership if possible, and held for release to proper authority.

**In conducting searches of student 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.**

Legal References:

NH Constitution, Pt. 1, Art. 19

State v. Drake, 139 NH 662 (1995)

State v. Tinkham, 143 NH 73 (1998)

Appendix JIH-R

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