

JIH - STUDENT SEARCHES AND THEIR PROPERTY

The superintendent, principal, teacher, 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, 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. 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 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. A shared locker or storage area implies shared responsibility.
3. Authorized personnel may search the student's person or the student's belongings, as noted above, whenever a student freely and voluntarily consents to such a search. However, consent obtained through threats or coercion is not considered to be freely and voluntarily given. A search may include a student's cell phone if the authorized personnel has reasonable suspicion that cell phone use has been disruptive of school operations, in violation of student discipline rules and applicable provisions of the student handbook, or in violation of School Board policy.
4. 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.
5. Any searches of students as outlined herein will be conducted by authorized personnel of the same sex as the student 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 requested to be removed before or during a search. Hats and shoes may also be requested to be removed.
7. The Superintendent is authorized to arrange the use of trained canines to aid in the search process. The Superintendent shall seek prior approval from the School Board if feasible.

8. Items that may be seized during a lawful search (in addition to those mentioned in paragraph above) shall include, but not be limited to, any item, object, instrument, or material commonly recognized as unlawful or prohibited by law or District policy. For example: prescription or non-prescription medicines, switchblade knives, lighters, 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 the proper authority.
9. Student parking their automobiles on school property is a privilege and not a right. As part of this privilege, the District may search students' automobiles while parked on school property if the District has reasonable suspicion that a violation of school rules or policy has occurred. Students consent to having their automobiles searched by parking in school parking lots.
10. In the event that an employee of the school district has reason to believe that drugs, drug paraphernalia, or weapons are present in a student's automobile, that employee will inform the School Principal, who will then conduct a search of the automobile.
11. In conducting searches of students and property, school officials should keep abreast of law in this area and communicate with police authorities to be aware of circumstances when involvement of the police is advisable and/or necessary.

Statutory/Regulatory/Policy/Handbook Cross References

Policy JIH-R (Search of Students)
NH Constitution, Part 1, Article 19
Handbook (Referenced in Handbooks)

APPROVED/REVISED: September 22, 2005, August 20, 2009