

STUDENT SEARCHES AND THEIR PROPERTY

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 uncovered. School staff shall report student's suspicious activity to the Principal prior to initiating a search, except in emergency situations.

Establishing Reasonable Grounds

The following review of the basis for search should occur before conducting a search:

- A. Identify:
 - 1. The student's suspicious conduct, behavior, or activity;
 - 2. The source of the information; and
 - 3. The reliability of the source of information.
- B. If suspicion could be confirmed, would such conduct be a violation of the law or school rules?
- C. Is the student likely to possess or have concealed any item, material or substance, which is itself, prohibited or which would be evidence of a violation of the law or school rule?

Conducting the Search

If the Principal or his/her designee determines that reasonable grounds exist to search a student's clothing, personal effects, desk, locker, assigned storage area or automobile, the search shall be conducted as follows:

- A. If evidence of criminal activity is suspected to be present and prosecution by civil authorities will be recommended if confirmed by the search, consult law enforcement officials regarding the appropriateness of a search by a law enforcement officer.
- B. If evidence of violation of a school rule is suspected, and if that is confirmed by the search, the matter will be handled solely as a student discipline action. The Principal or designee will proceed to search by asking the student to remove all items from pocket(s), purse(s), handbags, backpacks, gym bags, etc.
- C. If the student refuses to cooperate in a personal search, the student should be held until the student's parents or guardian is available to consent to the search. If a parent or guardian cannot be reached in a reasonable time, the Principal may conduct the search without the student's consent.

**STUDENT SEARCHES AND THEIR PROPERTY
(Continued)**

Searches of Lockers, Desks and Storage Areas

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, if any, closed and locked.

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 the search, except in emergency situations when the risk of harm to students or staff demands immediate action.

Building Principals should refer to these procedures for conducting searches of students and their property for guidance in establishing whether a search is reasonable under the circumstance.

Principals 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.

Administrative inspection, or health and welfare inspections, may be conducted at any time for the purpose of locating misplaced library books, textbooks or other school property or to ensure that all lockers, desks, or storage areas are being kept clean and free from potential health or safety hazards. Periodic inspections of lockers will reinforce the District's ownership of lockers and the minimal expectation of privacy students have in the contents of their lockers.

During a search of all student lockers, if the school official conducting the search discovers any container within the locker, which may conceal contraband, the container may be searched according to the District's procedures governing searches of students and their property. A "container" for the purpose of this policy may include, but is not limited to: an article of clothing, a handbag, purse, backpack, gym bag, or any other item within which contraband material may be concealed.

References:

NH Constitution, Pt.1, Art.19

State v. Drake, 139 NH 662 (1995)

State v. Tinkham, 143 NH 73 (1998)

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