

Student Searches and Their Property

The Superintendent and/or the principal of the school, 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:

Grounds for Search

- That School staff have reasonable grounds to suspect that the search will turn up evidence that the student is violating or has violated either the law or school rules. *Reasonable Suspicion is defined as: A person must be able to point to specific facts or circumstances even though the level of suspicion need not rise to that of the belief that is supported by probable cause. A reasonable suspicion is more than a hunch.*
- Authorized personnel may conduct a search of the student's person or the student's belongings 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.
- If school staff has reasonable grounds to conduct the search and the student fails to allow the search, the student may be disciplined and/or local law enforcement.

Process for Search

- Any searches of students as outlined herein will be conducted by authorized personnel of the same sex as the student being searched. Two staff members shall be present during any search of a student or student property.
- 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 *school* rules and procedure, School Board Policy, and any applicable laws.
- If a search produces evidence that a student has violated or is violating school rules or the law, that evidence may be seized by authorized personnel, and disciplinary action may be taken. When appropriate, that evidence may be transferred to law enforcement authorities. For example, authorized personnel will seize alcohol, dangerous weapons, controlled dangerous substances, prescription or non-prescription medicines, switchblade knives, brass knuckles, billy clubs, and pornographic literature, or any other items which may pose a threat to a student, the student body, or school personnel or violate the law or school rules.

Scope of Search

- Strip searches are forbidden. No clothing except cold weather/outdoor garments and footwear will be requested to be removed before or during a search.
- The extent of the search of a student's person or property and the measures used in conducting the search must be reasonably related to the objects of the search, and must not go beyond what is warranted by the nature of the suspected violation.
- School lockers, school desks, storage areas, and compartments 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 as to the contents of those areas. Lockers, desks, and other storage areas or compartments may be subjected to searches at any time without student consent **and without** reasonable suspicion. Students are not to use any school area or property to store anything that should not be at school. Students shall not exchange lockers or desks. Students shall not 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.

- Social Media Accounts. In accordance with RSA 189:70, staff will not (1) require or request that a student disclose or provide to the District the student's user name, password, or other authenticating information to a student's personal social media account; or (2) require or request that a student access a personal social media account in the presence of any staff in a manner that enables staff to observe the contents of the personal social media account. However, authorized personnel may request to a student or student's parent/guardian that they student voluntarily share printed copies of specific information from a student's personal social media account if such information is relevant to an ongoing District investigation.

Legal References:

NH Constitution, Pt.1, Art.19
State v. Drake, 139 NH 662 (1995)
State v. Tinkham, 143 NH 73 (1998)
NH RSA 189:70

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