

STUDENT SEARCHES AND THEIR PROPERTY

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:

- A reasonable suspicion that the student may have on their person or in their property, alcohol, dangerous weapons, or controlled substances as defined by law.
- A reasonable suspicion that the student may have stolen property.

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 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.

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 conducting a search shall have authority to detain the student or students and to preserve any contraband seized.

Any searches of students as outlined herein will be conducted by the authorized person who is the same sex as the person being searched.

Strip searches are forbidden. No clothing except cold weather outer garments will be removed before or during a search.

Authorized personnel are permitted to arrange for the use of trained canines to aid in the search process.

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, 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.

Legal Reference:

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

FMRSD

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