

|  |                                      |
|--|--------------------------------------|
| OYSTER RIVER COOPERATIVE SCHOOL BOARD  | Policy Code: JIH                     |
| Policy Committee: January 7, 2015 & 2/11/15<br>School Board First Read: March 4, 2015<br>Back to Policy: March 11, 2015<br>School Board First Read: March 18, 2015<br>School Board Second Read/Adoption: April 1, 2015 | Page 1 of 2<br>Category: Recommended |

### STUDENT SEARCHES AND THEIR PROPERTY

The superintendent, principal, security personnel of the Oyster River Cooperative School District or other authorized personnel may detain and search any student or students on the premises of the Oyster River Cooperative 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 substances as defined by law or stolen property if the property in question is reasonably suspected to have been 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. The extent of the search of the student's person or belongings 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.
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 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.
3. 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. If consent is not obtained then school officials are authorized to contact local law enforcement authorities and turn over all necessary investigative procedures to them.
4. Authorized personnel may also conduct a search of the student's person or the student's belongings without the student's or parent's consent if reasonable suspicion exists of a student in possession of a dangerous weapon.
5. Strip searches are forbidden. No clothing except cold weather/outdoor garments and footwear will be requested to be removed before or during a search.
6. 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.
7. Any searches of students and property as outlined herein will be conducted by authorized personnel. Two authorized personnel shall be present when the student and property are being searched with one being of the same gender as the student being searched.

|   |                                      |
|---|--------------------------------------|
| OYSTER RIVER COOPERATIVE SCHOOL BOARD   | Policy Code: JIH                     |
| Policy Committee: January 7, 2015<br>Policy Committee: February 11, 2015<br>School Board First Read: March 4, 2015<br>Back to Policy: March 11, 2015<br>School Board First Read: March 18, 2015<br>School Board Second Read/Adoption: April 1, 2015 | Page 2 of 2<br>Category: Recommended |

8. If the school official conducting the search discovers any container which may conceal contraband, the container may be searched according to the district's procedures governing searches of student 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, coffee mugs, water bottles or any other item within which contraband material may be concealed.

9. Items that may be seized if observed by staff, 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 school personnel shall be seized, identified as to ownership if possible, and held for release to proper authority.

When a search of students and/or property is done, school administrators will notify the Superintendent.

Searches of student automobiles are governed by Board Policy JIHB.

Legal References:

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

Cross Reference:

- JIH-R – Search of Students Procedure
- JICI – Weapons on School Property