

PELHAM SCHOOL DISTRICT POLICY

JIH – STUDENT SEARCHES AND THEIR PROPERTY

Category: Recommended

The Superintendent, principal, 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. Reasonable Suspicion to Search a Person or their Property: 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 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.
 - a. Student Vehicles: Students consent to having their automobiles searched by parking in school parking lots. Parking automobiles on school property is a privilege and not a right. As part of this privilege, an authorized person from 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.
2. No Reasonable Expectation of Privacy for School Property: 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 any thing 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. Free and Voluntary Consent: 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. Consent obtained through threats or coercion is not considered to be freely and voluntarily given.
4. Additional Conditions for a Search

The Board requires that authorized personnel also follow all conditions listed below.

- a. The authorized personnel will consider the age and capacity of the student when determining whether the student can provide free and voluntary consent. Generally, students in middle school and high school will be considered able to do so.
- b. Strip searches are forbidden. No clothing except cold weather/outdoor garments and footwear will be requested to be removed before or during a search.
- c. Authorized personnel conducting a search shall have authority to detain the

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- 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.
- d. 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.
 - e. The Superintendent is authorized to arrange for the use of trained canines to aid in the search process.
 - f. Items that may be seized during an unauthorized 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 by law or by District policy. For example: prescription or non-prescription medicines, switchblade knives, brass knuckles, billy clubs, and pornography 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.

In conducting searches of students and property, school officials should consult with legal counsel and law enforcement authorities to be aware of circumstances when involvement of the police is advisable and/or necessary.

District Policy History:

Adopted: August 29, 2012

Revised: August 10, 2022

Legal References:

NH Constitution, Pt. I, Art. 19

State v. Drake, 139 NH 662 (1995)

State v. Tinkham, 143 NH 73 (1998)