

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

SEARCH OF STUDENTS

In accordance with policy JIH, searches shall be conducted under the following provisions:

An Oyster River Cooperative School District 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 discovered. School staff shall report a student's suspicious activity to the principal prior to initiating a search, except in emergency situations.

Persons Authorized to Conduct a Search

Only building principals or his/her designees are authorized to conduct searches of a student's person or a student's belongings. Such individuals may only conduct a search if he/she has reasonable suspicion.

Reasonable Suspicion

For the purpose of these regulations, "reasonable suspicion" means that a school district employee has reasonable grounds to believe that either the law or school rules have been violated. Reasonable suspicion may be established if a school district employee observes, hears, or is informed of behavior or actions that violate either the law or school district rules.

School district employees who have reason to believe that either the law or school district rules have been violated are obligated to inform the building principal, who will then ascertain whether or not reasonable suspicion exists such that a search of the student or his/her belongings is justified.

Conducting the Search

If a district employee authorized to conduct a search determines that reasonable suspicion and reasonable grounds exist to search a student's person, clothing, personal effects, desk, locker, assigned storage area or automobile, the search shall be conducted as follows:

1. In addition to the person conducting the search, at least one other school district employee shall be present during the search. At least one of the school district employees present during a search shall be the same sex/gender as the student being searched.
2. If the authorized person concludes that the student's person is to be searched, the student will be informed that it is believed that he/she has violated either the law or school district rules, and that a search of the student's person, clothing, and/or personal effects will be forthcoming.
3. If the student refuses to allow his/her person to be searched, and acts in any manner that threatens the safety or well-being of district employees or students, school officials are authorized to contact local law enforcement authorities and turn over all necessary investigative procedures to them.
4. Students do not have any expectation of privacy in belongings stored in school district property, including but not limited to desks, lockers, storage areas, etc. Such areas may be searched by the principal or student resource officer at any time, with or without reasonable suspicion. Students will not necessarily be informed that such areas are going to be searched.

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Responsibilities of School Employees After a Search

1. If the search yields evidence that a school rule has been violated, the principal is authorized to proceed with disciplinary measures in accordance with other School Board policies.
2. If the search yields evidence that a crime has been committed or a law has been broken, the principal is authorized to contact local law enforcement, in accordance with other School Board policies and may still be disciplined in accordance with these policies in this scenario.
3. The principal will formulate a written report for each search conducted, within 24 hours of the search. Such report will be forwarded to the Superintendent within 24 hours of it being finished. If local law enforcement officials were contacted for any reason, the Superintendent shall inform the School Board thereof.

Contraband/Paraphernalia

1. The authorized person conducting the search is authorized to seize and hold any contraband, paraphernalia, or any other object that violate either school rules or the law, Such objects should be turned over to the principal for proper documentation.
2. The principal shall document such objects and include a description of such objects in his/her report. The principal is authorized to photograph such objects.
3. Any items seized during the course of a search shall be stored in a secure location until such time as it is deemed necessary or prudent to dispose of such items. The principal and/or Superintendent shall take into consideration the exhaustion of all available appeals, transfer of such items to law enforcement authorities, and other factors before disposing of seized items.
4. The principal shall confer with local law enforcement officials in determining whether such items should be turned over to the law enforcement officials.

Locker Searches

1. 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 closed and locked. A shared locker implies shared responsibility for a locker and its contents.
2. 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 a search, except in emergency situations when the risk of harm to students or staff demands immediate action.
3. Authorized persons 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.

Cross Reference:

JIH – Student Searches and Their Property Procedure
JICI – Weapons on School Property