

NEW MEXICO SCHOOL FOR THE ARTS
HIGH SCHOOL

SEARCH AND SEIZURE POLICY

A. Students

1. *Search of Student Property* – New Mexico School for the Arts (NMSA) recognizes that the privacy of students or their belongings may not be violated by unreasonable search and seizure and directs that no student be searched without reasonable suspicion that a crime or other breach of disciplinary rules is occurring or has occurred. Searches of student property shall be conducted in a reasonable manner and are intended to be minimally intrusive such as emptying pockets, cubby holes, lockers (if applicable), backpacks, purses, search of student vehicles located on campus, removal of hats, socks, and shoes, and may be conducted by the Head of School or other authorized person. Storage spaces provided to students by NMSA shall remain property of NMSA and, in accordance with law, may be the subject of random searches. If students are provided places that can be secured by locks, students may lock them against incursion by other students, but in no such places shall students have such an expectation of privacy as to prevent examination by a school official. School authorities are charged with the responsibility of safeguarding the safety and well-being of the students in their care. In the discharge of that responsibility, school authorities may search the person or property of a student, with or without the student's presence or consent, whenever they reasonably suspect that the search is required to discover evidence of a violation of law or of school rules, or when there is reasonable cause to believe that a search is necessary to help maintain school discipline. The extent of the search will be governed by the seriousness of the alleged infraction and the student's age. This authorization to search shall also apply at NMSA's facility, during any school-sponsored activity whether on or off campus.

2. *Search of Student Person* - Unless there is an immediate threat to the health or safety of the student or others, parents/guardians of the student will be called prior to any search of a student's person. Search of a student's person shall be directed to the Head of School and conducted by an authorized person of the student's gender, in the presence of another staff member of the same gender, except when circumstances make it impossible. Personal searches shall be conducted only in exceptional circumstances – that is - when the health or safety of the student or of others is threatened. Search of a student's person will involve, at most, a "pat down" of the student's outer clothing. In no event shall a student be subjected to a "strip search." A search prompted by the reasonable suspicion that health and safety are immediately threatened will be conducted with as much speed and dispatch as may be required to protect persons and property.

3. *Seizure of items* - Illegal items, legal items which threaten the safety or security of others, and items which are used to disrupt or interfere with the educational process may be seized by authorized persons. Seized items shall be released to appropriate authorities or a student's parent or guardian or returned to the student when and if the administrative authority deems appropriate.

4. *Notification of law enforcement authorities* - The Head of School shall have discretion to notify the local children's court attorney, district attorney or other law enforcement officers when possession of an illegal substance or item is suspected. If the school conducts the search and the search discloses illegally possessed contraband material or evidence of some other crime or delinquent act, local law enforcement will be called.

5. *Record Keeping* - The Head of School shall promptly make a record of each search of a student's property or person and include the reasons for the search; information received that

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established the need for the search and the name of informant, if any; the persons present when the search was conducted; any substances or objects found; and the disposition made of them. The Head of School shall be responsible for the custody, control, and disposition of any illegal or dangerous substance or object taken from a student.

B. Employees and Others

NMSA reserves the right to search any person entering on its property or offsite while performing services for NMSA and to search property, equipment, and storage areas, including but not limited to clothing, personal effects, vehicles, buildings, rooms, facilities, offices, parking lots, desks, cabinets, lunch and equipment boxes or bags, and equipment. Any items that you do not want to have inspected should not be brought to work.

This Search and Seizure Policy was amended by resolution of the Governing Council of New Mexico School for the Arts, effective as of August 5, 2014.

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SHERRY THOMPSON, Chair
Of the Governing Council

ATTEST:



PAULA TACKETT, Secretary
Of the Governing Council

LEGAL REFERENCES: 6.11.2.10.B NMAC